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THE UNITED NATIONS 1946

REPORT ON THE SECOND PART OF
THE FIRST SESSION OF THE GENERAL ASSEMBLY
OF THE UNITED NATIONS HELD IN NEW YORK,
OCTOBER 23 - DECEMBER 15, 1946

DEPARTMENT OF EXTERNAL AFFAIRS
OTTAWA, CANADA

CONFERENCE SERIES 1946 - No. 3

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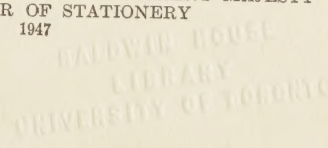
DEPARTMENT OF EXTERNAL AFFAIRS
OTTAWA, CANADA

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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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1947



*To His Excellency
the Governor General in Council*

YOUR EXCELLENCY:

I have the honour to lay before Your Excellency the attached report on the second part of the First Session of the General Assembly of the United Nations, which was held in New York from October 23 to December 15, 1946.

The report on the first part of the First Session of the General Assembly, held in London from January 10 to February 14, 1946, was transmitted to you on April 24, 1946. The report on the San Francisco Conference, which took place from April 25 to June 26, 1945, was transmitted to you on September 1, 1945.


These three reports describe the progress of the United Nations and Canada's participation in it from the opening of the San Francisco Conference to the end of 1946.

I have the honour to be, Sir,

Your Excellency's obedient servant,

L. S. ST. LAURENT
Secretary of State for External Affairs.

OTTAWA, March 1, 1947.



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CONTENTS

	PAGE
PREFACE—The Structure of the United Nations.....	11
GENERAL SURVEY.....	19
POLITICAL QUESTIONS—	
1. Disarmament.....	29
2. The Practices and Procedures of the Security Council.....	41
3. The Admission of New Members.....	46
4. The Relations of Members of the U.N. with Spain.....	51
5. India's Complaint against South Africa.....	59
6. Human Rights and Fundamental Freedoms.....	64
7. The Rights and Duties of States.....	67
8. The Elections to the Security Council.....	68
ECONOMIC AND SOCIAL QUESTIONS—	
9. The Work of the Economic and Social Council.....	71
10. The International Refugee Organization.....	77
11. Relief Needs after the Termination of U.N.R.R.A.....	83
12. The International Children's Emergency Fund.....	86
13. The World Shortage of Cereals.....	88
14. The Economic Reconstruction of Devastated Areas.....	89
15. The World Health Organization.....	91
16. The International Control of Narcotic Drugs.....	93
17. International Conference on Freedom of Information.....	94
18. The Political Rights of Women.....	96
19. The World Federation of Trade Unions.....	97
20. Other Economic and Social Questions.....	100
21. The Elections to the Economic and Social Council.....	102
TRUSTEESHIP QUESTIONS AND NON-SELF-GOVERNING TERRITORIES—	
22. Trusteeship Agreements.....	105
23. The Establishment of the Trusteeship Council.....	110
24. The Future Status of South West Africa.....	111
25. Non-Self-Governing Territories.....	114
ADMINISTRATIVE AND BUDGETARY QUESTIONS—	
26. The Budgets of the U.N. for the financial years 1946 and 1947	121
27. The Scale of Contributions to the Budgets.....	125
28. Budgetary and Financial Relations of the U.N. with Special- ized Agencies.....	129
29. The Appointment of External Auditors.....	130
30. Elections to Standing Financial Committees.....	131
31. The Secretariat.....	133

LEGAL QUESTIONS—

32. The Progressive Development and Codification of International Law.....	139
33. Affirmation of the Principles of International Law recognized by the Charter of the Nuremberg Tribunal.....	140
34. The Crime of Genocide.....	141
35. The Registration and Publication of Treaties.....	142
36. The Official Emblem of the U.N.....	144
37. The International Court of Justice.....	145
38. The Terms of Office of Members of Councils.....	148
39. The Privileges and Immunities of International Organizations	149

OTHER QUESTIONS—

40. The Headquarters of the U.N.....	155
41. The Election of Officers of Committees.....	157
42. Measures to Economize the Time of the Assembly.....	159

APPENDICES—

I. STATEMENT BY THE CHAIRMAN OF THE CANADIAN DELEGATION IN THE OPENING DEBATE IN THE GENERAL ASSEMBLY, OCTOBER 29, 1946.....	165
II. DISARMAMENT—	
A. Soviet Proposal, October 29, 1946.....	168
B. Canadian Working Paper, November 4, 1946.....	169
C. Canadian Proposal, November 28, 1946.....	170
D. United States Proposal, November 30, 1946.....	171
E. Draft Resolution submitted by the Drafting Group, December 11, 1946.....	172
F. Resolution of the General Assembly of December 14, 1946.....	173
G. Stages in the Development of the Resolution.....	175
H. Canadian Statements:	
November 28, 1946.....	183
November 30, 1946.....	186
December 4, 1946.....	189
December 12, 1946.....	192
December 14, 1946.....	194
December 19, 1946.....	196
I. Resolution of the Security Council of February 14, 1947.....	199
III. THE PRACTICES AND PROCEDURES OF THE SECURITY COUNCIL—	
A. United Kingdom Proposals, November 15, 1946....	201
B. Canadian Statement, November 16, 1946.....	202
C. Canadian Memorandum, November 30, 1946.....	204
IV. THE ADMISSION OF NEW MEMBERS—	
Canadian Statement, November 6, 1946.....	207

	PAGE
V. THE RELATIONS OF MEMBERS OF THE U.N. WITH SPAIN—	
A. Canadian Statement, December 3, 1946.....	209
B. Resolution of the General Assembly of December 12 1946.....	211
VI. INDIA'S COMPLAINT AGAINST SOUTH AFRICA—	
Canadian Statement, November 25, 1946.....	213
VII. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS—	
A. Statement of Essential Human Rights drafted by a Committee appointed by the American Law Institute	217
B. Resolution of the General Assembly of December 11, 1946.....	218
C. Commission on Human Rights.....	219
VIII. THE RIGHTS AND DUTIES OF STATES—	
Draft Declaration Submitted by Panama.....	222
IX. REFUGEES—	
A. Canadian Statements:	
November 8, 1946.....	225
December 15, 1946.....	228
B. Resolution of the General Assembly of December 15, 1946.....	232
X. RELIEF—	
A. Canadian Statement, November 16, 1946.....	234
B. Resolution of the General Assembly of December 11, 1946.....	236
XI. THE INTERNATIONAL CHILDREN'S EMERGENCY FUND—	
Resolution of the General Assembly of December 11, 1946.....	238
XII. THE WORLD SHORTAGE OF CEREALS—	
Resolution of the General Assembly of December 11, 1946.....	241
XIII. ECONOMIC RECONSTRUCTION OF DEVASTATED AREAS—	
Resolution of the General Assembly of December 11, 1946.....	244
XIV. INTERNATIONAL CONFERENCE ON FREEDOM OF INFORMATION—	
Resolution of the General Assembly of December 14, 1946.....	245
XV. POLITICAL RIGHTS OF WOMEN—	
Resolution of the General Assembly of December 11, 1946.....	246
XVI. THE WORLD FEDERATION OF TRADE UNIONS—	
Canadian Statement, November 23, 1946.....	247

	PAGE
XVII. HOUSING AND TOWN PLANNING— Resolution of the General Assembly of December 14, 1946.....	250
XVIII. RED CROSS AND RED CRESCENT SOCIETIES— Resolution of the General Assembly of November 19, 1946.....	251
XIX. THE FUTURE STATUS OF SOUTH WEST AFRICA— Resolution of the General Assembly of December 14, 1946.....	252
XX. THE TRANSMISSION OF INFORMATION ON NON-SELF- GOVERNING TERRITORIES— Resolution of the General Assembly of December 14, 1946.....	253
XXI. REGIONAL CONFERENCES OF REPRESENTATIVES OF NON- SELF-GOVERNING TERRITORIES— Resolution of the General Assembly of December 14, 1946.....	256
XXII. THE SCALE OF CONTRIBUTIONS TO THE BUDGETS OF THE U.N., FINANCIAL YEARS, 1946 AND 1947— A. Canadian Statement, November 12, 1946..... B. Resolution of the General Assembly of December 14, 1946.....	257 259
XXIII. BUDGETARY AND FINANCIAL RELATIONS WITH SPECIALIZED AGENCIES— Resolution of the General Assembly of December 14, 1946.....	261
XXIV. THE APPOINTMENT OF EXTERNAL AUDITORS— Resolution of the General Assembly of December 7, 1946.....	262
XXV. THE PROGRESSIVE DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW— Resolution of the General Assembly of December 11, 1946.....	266
XXVI. AFFIRMATION OF THE PRINCIPLES OF INTERNATIONAL LAW RECOGNIZED BY THE CHARTER OF THE NUREMBERG TRIBUNAL— Resolution of the General Assembly of December 11, 1946.....	267
XXVII. THE CRIME OF GENOCIDE— Resolution of the General Assembly of December 11, 1946.....	268
XXVIII. THE REGISTRATION OF TREATIES— Resolution of the General Assembly of December 14, 1946.....	269

	PAGE
XXIX. THE OFFICIAL EMBLEM OF THE U.N.— Resolution of the General Assembly of December 7, 1946.....	274
XXX. MEASURES TO ECONOMIZE THE TIME OF THE GENERAL ASSEMBLY—	
A. Letter of September 24, 1946, from the Canadian Government to the Secretary-General of the U.N.	275
B. Canadian Statement, December 15, 1946.....	276
C. Resolution of the General Assembly of December 15, 1946.....	278
XXXI. TABLE OF VOTES ON TEN SIGNIFICANT ISSUES.....	280
XXXII. CANADIAN DELEGATION TO THE SECOND PART OF THE FIRST SESSION OF THE GENERAL ASSEMBLY.....	284
XXXIII. PUBLICATIONS OF THE DEPARTMENT OF EXTERNAL AFFAIRS ON THE U.N. AND ON THE SPECIALIZED AGENCIES.....	287
XXXIV. SELECTED PUBLICATIONS OF THE U.N.....	290

PREFACE

THE STRUCTURE OF THE UNITED NATIONS

Principal Organs

The General Assembly

The General Assembly consists of the fifty-five states which are Members of the United Nations. Each Member has one vote in Assembly. Each Member may send to a session of the Assembly five representatives, five alternate representatives and as many advisers and experts as it considers necessary.

The regular annual sessions of the Assembly begin on the third Tuesday in September. The average length of a session will probably be five to eight weeks. Special sessions may be held. Thus a special session will eventually be held to adopt disarmament treaties or conventions based on plans drawn up by the Security Council.

Each regular session opens with a general debate during which the head of almost every delegation gives a speech outlining the approach of his delegation to the questions on the agenda of the session. The items on the agenda are then referred to the committees of the Assembly. The committees report back resolutions to the Assembly.

The Assembly has six main committees, on which each delegation is represented:—

First Committee—Political and Security (including the regulation of armaments);

Second Committee—Economic and Financial;

Third Committee—Social, Humanitarian and Cultural;

Fourth Committee—Trusteeship;

Fifth Committee—Administrative and Budgetary;

Sixth Committee—Legal.

The Assembly also has two special permanent committees: an Advisory Committee on Administrative and Budgetary Ques-

tions, consisting of nine persons; a Committee on Contributions, consisting of ten persons. The steering committee of the Assembly is called the General Committee. It consists of the President of the Assembly, seven vice-presidents and the chairmen of the six main committees. These officers are elected at each session.

The committees take decisions by a majority of the members present and voting. The Assembly decides important questions by a two-thirds majority of the members present and voting, and other questions by a majority.

The Security Council

The Security Council consists of five permanent members (China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America), and six non-permanent members selected for two-year terms by the Assembly at its regular annual session. Non-permanent members are not eligible for immediate re-election. The present non-permanent members are Australia, Brazil, Poland, Belgium, Colombia and Syria. The terms of office of the first three expire on December 31, 1947, and of the other three on December 31, 1948.

The Security Council is so organized as to be able to function continuously.

The Economic and Social Council

The Economic and Social Council consists of eighteen Members of the U.N. elected for three-year terms by the Assembly at its regular annual session. Members are eligible for immediate re-election. The present members are: Cuba, Czechoslovakia, India, Norway, the U.S.S.R., and the United Kingdom, which serve until December 31, 1947; Canada, Chile, China, France, the Netherlands, and Peru, which serve until December 31, 1948; and Byelorussia, Lebanon, New Zealand, Turkey, the U.S.A., and Venezuela, which serve until December 31, 1949.

The Economic and Social Council holds at least three sessions a year.

It has established nine commissions. Some have twelve members; some fifteen and some eighteen. The Council elects states as members of the commissions and each state appoints an expert to serve on the commission. The nine commissions are:—

Economic and Employment	Social
Fiscal	Statistical
Human Rights	Status of Women
Narcotic Drugs	Transport and
Population	Communications.

The Trusteeship Council

China, France, the U.S.S.R., the United Kingdom, and the U.S.A. are permanent members of the Trusteeship Council. Australia, Belgium and New Zealand are also permanent members, since they administer trust territories. Any other state which becomes the administrator of a trust territory will become a permanent member of the Trusteeship Council. The Assembly elects to the Trusteeship Council whatever number of other states is required to create an equal balance in the Council between states which administer trust territories and those which do not. These elected members serve for three-year terms and are eligible for immediate re-election. The present elected members are Iraq and Mexico, which will serve until December 31, 1949.

The International Court of Justice

The International Court of Justice is the principal judicial organ of the United Nations. It consists of fifteen judges, elected by the General Assembly and the Security Council for nine-year terms. Judges are eligible for immediate re-election.

Since, at the first election in February, 1946, all fifteen judges were being elected, it was necessary to choose by lot five to serve for nine years, five for six, and five for three. Five judges will therefore be elected at the regular session of the Assembly in 1948, and five every three years thereafter. The present judges are:—

Dr. J. G. Guerrero (El Salvador), President*
 Dr. A. Alvarez (Chile)*
 Dr. J. Azevedo (Brazil)*

H. E. Dr. Abdel Hamid Badawi Pasha (Egypt)
 Professor Jules Basdevant (France)*
 Lic. I. Fabela Alfaro (Mexico)†
 The Honourable G. H. Hackworth (U.S.A.)*
 Dr. M. Hsu (China)
 Dr. H. Klaestad (Norway)*
 Professor S. B. Krylov (U.S.S.R.)*
 Sir Arnold D. McNair (U.K.)*
 Mr. J. E. Read (Canada)
 Dr. C. de Visscher (Belgium)†
 Dr. Bogdan Winiarski (Poland)
 Dr. M. Zoricic (Yugoslavia)

The seat of the Court is at The Hague, but the Court may sit elsewhere.

The Secretariat

The Secretariat consists of the Secretary-General (Mr. Trygve Lie), eight assistant secretaries-general, and about three thousand other employees.

The Secretary-General is appointed for a five-year term by the General Assembly on the recommendation of the Security Council. He is eligible for appointment for a further five-year term. He appoints the other members of the Secretariat, under regulations established by the Assembly and in accordance with the provision of the Charter that the "paramount consideration . . . shall be the necessity of securing the highest standards of efficiency, competence and integrity".

The Secretariat is divided into eight departments, each of which is directed by an assistant secretary-general:

- (1) Security Council Affairs, Mr. A. A. Sobolev;
- (2) Economic Affairs, Mr. David Owen;
- (3) Social Affairs, M. Henri Laugier;
- (4) Trusteeship and Information from Non-Self-Governing Territories, Dr. Victor Hoo;
- (5) Public Information, Mr. Benjamin Cohen;
- (6) Legal, Dr. Ivan Kerno;
- (7) Conference and General Services, Mr. Adrian Pelt;
- (8) Administrative and Financial Services, Mr. Byron Price.

* Nine-year term.

† Six-year term.

Subsidiary Organs

The Military Staff Committee

The Military Staff Committee is a subsidiary organ of the Security Council. It consists of the Chiefs of Staff of the permanent members of the Security Council, or their representatives.

The Atomic Energy Commission

The Atomic Energy Commission was created by the General Assembly by a resolution of January 24, 1946,¹ and is a subsidiary organ of the Assembly. It consists of six permanent members (Canada, China, France, the U.S.S.R., the United Kingdom, and the U.S.A.), and the non-permanent members of the Security Council.

It is responsible for proposing specific solutions of the problems raised by the discovery of atomic energy and related matters.

The International Children's Emergency Fund

The International Children's Emergency Fund was established by the General Assembly by a resolution of December 11, 1946, to provide assistance to children and adolescents, especially of countries which were victims of aggression. The Fund is to be administered by an Executive Director under policies established by an Executive Board, in accordance with principles laid down by the Economic and Social Council. The Executive Director is to be appointed by the Secretary-General of the U.N. The Executive Board consists of the representatives of twenty-five states designated by the General Assembly.

Budget

The expenses of the U.N. are, at present, about \$28,000,000 (U.S.) a year. The budget must be approved by a two-thirds vote of the General Assembly. The Assembly, also by a two-thirds vote, approves of the apportionment of the expenses among the Members of the U.N.

¹The text of the resolution creating the Atomic Energy Commission is given in the Canadian report on the London Assembly, pp. 66-7. (The official title of this report is "Report on the first part of the First Session of the General Assembly of the United Nations held in London, January 10-February 14, 1946. Department of External Affairs, Conference Series, 1946, No. 1.")

Constitution

The U.N. has a written constitution, the Charter of the United Nations, drawn up at the San Francisco Conference in 1945 on the basis of the Dumbarton Oaks Proposals.¹ This constitution is supplemented by resolutions of the nature of constitutional statutes passed by the various organs. Thus the Assembly, the three Councils and the Court each has its rules of procedure. There are staff regulations and financial regulations which have been adopted by the Assembly.

The Constitution of the U.N. is not a rigid document. It is couched in such terms that it is capable of growth from within by the development of custom and precedent, as well as by the adoption of rules and regulations.

Formal amendments of the Charter come into force only when they have been adopted by a vote of two-thirds of the members of the Assembly and ratified by two-thirds of the Members of the U.N., including all the permanent members of the Security Council.

Specialized Agencies

Specialized agencies are bodies which are not established by the Charter of the U.N. but are established by other inter-governmental agreements and have wide international responsibilities in economic, social, cultural, health and related fields. In order that their activities may be coordinated to a common end, they are brought into relationship with the U.N. by agreements negotiated with the agencies by the Economic and Social Council and approved by the General Assembly. Some of these agreements have already been concluded.

The twelve present or contemplated specialized agencies are:

- (1) Universal Postal Union
- (2) International Telecommunication Union
- (3) International Labour Organization
- (4) Food and Agriculture Organization
- (5) International Bank for Reconstruction and Development
- (6) International Monetary Fund

¹The text of the Charter and of the annexed Statute of the International Court of Justice is given in the Canadian report on the San Francisco Conference. (The official title of this report is "Report on the United Nations Conference on International Organization held at San Francisco, 25th April-26th June, 1945. Department of External Affairs, Conference Series, 1945, No. 2.")

- (7) United Nations Educational, Cultural and Scientific Organization
- (8) International Civil Aviation Organization
- (9) World Health Organization
- (10) International Refugee Organization
- (11) World Trade Organization
- (12) World Shipping Organization

The first seven are now in existence. It is expected that during 1947 the present Provisional International Civil Aviation Organization will be replaced by the International Civil Aviation Organization. The constitutions of the health and refugee organizations have been agreed upon and it is expected that these two organizations will come into existence in 1947. The constitutions of the trade and shipping organizations are now being drawn up and it is hoped that they will come into existence in 1948.

Non-Governmental Organizations

The Economic and Social Council is given power by the Charter to make suitable arrangements for consultation with non-governmental organizations which are concerned with international economic, social, cultural, educational, health and related matters. A very large number of such organizations have applied for recognition. The General Assembly has informed the Economic and Social Council that it agrees that four of these organizations should receive preferential treatment: the World Federation of Trade Unions, the International Cooperative Alliance, the American Federation of Labor, and the International Chamber of Commerce.

GENERAL SURVEY

The San Francisco Conference on June 26, 1945, after two months of study and debate, adopted a Charter of the United Nations based on the Dumbarton Oaks Proposals. This Charter came into force on October 24, 1945. Even before it had come into force the Executive Committee of the Preparatory Commission of the United Nations had met in London to prepare for the First Session of the General Assembly. The meetings of the Executive Committee were followed by the meetings of the Preparatory Commission. By the end of 1945 preparations for the holding of the First Session of the General Assembly were complete.

The first part of the First Session of the General Assembly of the United Nations met in London in January and February of 1946. It carried the work of organizing the U.N. a stage further. The Assembly created its main committees and adopted provisional rules of procedure, staff regulations and financial regulations. It brought four of the other principal organs of the U.N. into operation—the Security Council, the Economic and Social Council, the International Court of Justice and the Secretariat. It decided that the temporary headquarters of the U.N. should be New York and that the permanent headquarters should be near New York. It discussed a number of urgent questions of substance.

Between the first and second parts of the First Session of the General Assembly the Security Council held numerous meetings in New York; the Economic and Social Council completed its first session in London and held its second and third sessions in New York; the Court met at The Hague and organized itself; the Secretariat was recruited and organized.

On October 23, 1946, sixteen months after the Charter had been signed and twelve months after it had come into force, the second part of the First Session of the General Assembly opened in New York. The organizational work of the Assembly had been virtually completed in London. The Assembly had now to tackle the job for which it had

been created—to promote co-operation between the peoples and nations of the world so that they might be able to live together as good neighbours, free from fear and want and with liberty of thought and worship.

The second part of the First Session of the Assembly accomplished more than could reasonably have been expected when it opened. In spite of difficulties it was able to establish the Trusteeship Council, the only one of the principal organs of the U.N. which had not been brought into operation at the London Assembly. It approved, after a long debate, the constitution of the International Relief Organization. It worked out a compromise on the vexed question of international relief needs after the termination of UNRRA. It created a new subsidiary organ, the International Children's Emergency Fund which in the long run may do much to restore the devastated countries by improving their primary asset, the younger generation.

It increased notably what may be called the "quasi-legislative" functions of the Assembly. Thus it "affirmed" the "principles of international law" recognized by the Charter of the Nuremberg Tribunal for the trial of the major war criminals of the European Axis; it "declared" that genocide is a crime under international law; and it "adopted" regulations for carrying out Article 102 of the Charter on the registration and publication of international agreements. The Charter does not confer upon the Assembly any legislative power, in the strict sense, in the general field of international law, and no specific authority can be found in the Charter for resolutions of this character. Nevertheless, it was generally agreed that the Assembly possessed inherent power to adopt resolutions expressing its views on contemporary international law, and giving effect to Article 102 of the Charter. It is doubtful whether such resolutions have, in international law, an absolute juridical force. There can be no doubt, however, that important precedents were established and that these resolutions, representing the collective opinions of fifty-five Members of the U.N., will carry great weight in practice.

The resolutions passed during the second part of the First Session, notably those on non-self-governing territories and on India's complaint against South Africa, demonstrate that there is little or no danger that the Assembly will restrictively interpret its own powers

or broadly interpret provisions which, like the domestic jurisdiction clause (paragraph 7 of Article 2 of the Charter), derogate from its authority. The Assembly was, indeed, in no mood to accept what Sir Hartley Shawcross, Attorney-General of the United Kingdom, termed "narrow, pedantic legalism" in interpreting the provisions of the Charter.

Most important of all, the Assembly demonstrated that, when it had delicate political questions to deal with, it would usually deal with them with moderation and restraint. It was, for instance, faced with the fact that the abuse of the right of veto during the first nine months of the existence of the Security Council had impaired the confidence of the world in the efficiency of the Security Council as an instrument for the maintenance of international peace and security. The Assembly did not take the easy course of adopting by an overwhelming majority a resolution censuring the abuse of the right of veto. Realizing that harsh words were of no avail in a resolution whose effectiveness would depend upon its persuasiveness, the Assembly concentrated its efforts on discussing specific reforms which the Security Council might adopt in its practices and procedures especially in relation to the pacific settlement of international disputes and the peaceful adjustment of international situations.

The Assembly thus demonstrated in its dealings with the Security Council that it realized the limitations of its powers and was concerned to find the most effective way in which it could exercise its limited powers. It is too soon to say how effective the Assembly's discussions of the abuse of the veto were. Nevertheless the veto has not once (up to March 1, 1947) been invoked in the Security Council since the opening of the second part of the First Session of the General Assembly.

When the Assembly was faced with the fact that a member of the Security Council had clearly violated the spirit of the Charter by vetoing on improper and irrelevant grounds the admission to the U.N. of three states, the members of the Assembly, instead of formally censuring the action of that power, expressed their opinion in a series of forceful speeches given by national representatives and then passed a resolution which drew attention in its preamble to the precise terms of the article of the Charter governing the admission of new Members,

and requested the Security Council to re-examine all the applications for membership before it on their respective merits as measured by the yardstick of the Charter.

Likewise the Assembly, early in its discussions, came to the conclusion that it ought not to accede to the South African suggestion that it approve the incorporation of South West Africa in the Union of South Africa. Some of the members wished to express this conclusion in terms which were unnecessarily offensive to South Africa and involved a questionable interpretation of the Charter. These members were willing, however, not to press their point and the result was the unanimous adoption by the Assembly of a resolution which stated, in terms which while firm were courteous, that the Assembly was unable to accede to the incorporation and invited South Africa to place South West Africa under trusteeship.

It would, of course, be idle to claim that in all delicate political matters the Assembly acted with moderation and restraint. That would be too much to expect of any deliberative body when it is dealing with questions which arouse deep feelings. Appeals to passion and prejudice were made by representatives in the debates on the Spanish question and on India's complaint against the treatment of Indians in South Africa. These appeals were not confined to the advocates of any particular resolution.

In both these issues it became apparent that, under present conditions, issues of this character cannot be properly settled in a deliberative body such as the Assembly by counting heads. Thus, in the Spanish debate, a moderate resolution which undoubtedly reflected the views of all but a small minority of the members of the Assembly was rejected by a combination of the votes of those who desired no condemnation of the Franco Government and those who desired a more extreme statement. This rejection was immediately followed by a rejection of a more extreme statement.

Similarly, although the final resolution on India's complaint against South Africa was carried by a two-thirds vote, many remained unconvinced that the Assembly would not have done more to improve the condition of the Indians in South Africa if it had passed unanimously, as it could have done, a resolution suspending a vote of censure on South Africa until the International Court of Justice had,

after sending a commission of enquiry to South Africa to establish the facts, decided the preliminary question of the jurisdiction of the Assembly to deal with the substance of India's complaint.

What appears to be the most important accomplishment of the second part of the First Session of the General Assembly was its unanimous adoption on December 14 of a resolution on the principles covering the general regulation and reduction of armaments. The unanimous adoption of this resolution was made possible only by joint and sustained efforts by many delegations to reconcile the separate proposals which each had advanced. These efforts were based on a common recognition of the fact that, if an Assembly resolution on disarmament was to have practical results, it had to be concurred in by all the heavily armed powers and by the great majority of all the other powers.

One encouraging feature of the second part of the First Session of the Assembly was that in voting on important questions there were few hard and fast blocs of states. A study of ten significant votes shows that the twenty Latin-American republics did not cast a solid vote on any one of these ten questions. The nearest they came to it was in two issues where sixteen voted the same way, none the other way, two or three abstained, and the rest were absent. On these two issues, however, the rest of the Assembly, with the exception of the six Eastern European states, was likewise unanimous. The largest number of votes the Latin-American republics cast on the same side on any one of the other eight issues was thirteen. Australia, Canada, New Zealand, South Africa and the United Kingdom voted the same way on only four of the ten votes. The five Arab states voted the same way on six. The six Eastern European states voted the same way on eight votes; on the other votes Czechoslovakia abstained.

Much of what the First Session was able to accomplish was due to the wisdom, patience and understanding of its President, M. Spaak, the Foreign Minister of Belgium. In his closing address to the Assembly on December 16 he said:

"In presiding over these debates, what struck me forcibly was the difference between our meetings and those of Geneva. I went to

Geneva a few times before the war, and I had the impression of being at a meeting of diplomats. Here I have had the distinct impression of being at a meeting of statesmen.

"I really do think that we have set up a tentative world parliament. I am not quite sure yet that the system is entirely good, but I must admit that the first attempt which we have witnessed here inspires me with confidence. . . .

"You are about to separate, and in a few hours, or days, you will be back in your own countries. I am convinced that you all feel that the message you are able to take back to your governments and to your peoples is a message of confidence.

"I have often said, in the speeches I have made, that we shall not succeed in carrying out our task unless we practice those two great international virtues: understanding and co-operation. In closing this session, I wish to say that I have seen the representatives as a whole practising understanding and the virtue of co-operation in a way I have never seen before.

"To-day, we are on the right road. The message which we are sending out from here to the world is a message of confidence and hope. And I trust that one day, when we look back on the work we have done, we shall feel proud that we took part in this second part of the First Session."

The Canadian Attitude

The approach of the Canadian delegation to the problems on the agenda of the second part of the First Session of the General Assembly was set forth in the statement made by the Chairman of the Canadian delegation on October 29, 1946, in the opening debate in the General Assembly.¹

The Canadian delegation urged that it was more important for the Assembly to take steps to remedy the shortcomings of the U.N., of which the peoples of the U.N. were so conscious, than to derive too great satisfaction from what had been accomplished. One of these shortcomings was the failure of the Security Council and the Military Staff Committee to make substantial progress towards concluding the special agreements with individual Members which were necessary in order to put world force behind world law. Not only was it necessary that the Security Council should be equipped and ready in fact to enforce proper decisions for the maintenance of world peace, but it was also in the interest of all Members that serious consideration should be given to the reduction of national armaments.

¹The text of this statement is given in Appendix I, pp. 165 to 167.

The Security Council had unfortunately not so far given the impression that it was taking positive action to promote the peaceful settlement of disputes. While the time had not yet come to try to amend the Charter, the time had come for the Assembly to make practical recommendations on how, within the framework of the present Charter, the Security Council could more effectively discharge its vital functions.

It would be necessary for the Assembly to interpret some of the more important provisions of the Charter. In establishing these precedents it was essential to remember that it was a constitution which was being interpreted and not a domestic statute, and that the Charter to be successful must be interpreted in such a way as to encourage its growth and adaptation to changing circumstances. Provisions which added to the authority of the U.N. should be broadly interpreted and those which detracted from its authority should be given a restrictive interpretation.

The Assembly should satisfy public opinion throughout the world that the finances of the Organization were being employed in the best interests of the U.N. The Secretariat should possess the highest standards of efficiency, competence and integrity and the budgetary and financial administration of the U.N. should be beyond reproach.

Every possible precaution should be taken against the unnecessary multiplication of international organizations, conferences, councils and commissions and the unnecessary prolongation of international meetings in terms of their accomplishment. Otherwise there would be wasteful diversion of effort and of resources and this would impose unnecessary burdens not only on the international organizations concerned, but also on the national governments and their delegations.

The people of Canada looked upon the U.N. not as a temporary expedient, but as a permanent partnership—a partnership among the peoples of the world for their common peace and common well-being.

The statement of the Chairman of the Canadian delegation concluded with the following passage:

“Each state represented here has its own ideals, its own standards, its own ways of life. Differences of outlook are therefore inevitable. It is what we do about these differences that is crucial. Attempts to exploit them to the advantage of any nation or group of nations can accomplish nothing wholesome or constructive. Let us beware of

recrimination, of charge and counter-charge. Let us, with good-will, patience and forbearance, pursue the course which leads to resolution and not exploitation of differences. Let us proceed with the business of this Assembly, all of us determined to work together in the interests of peace and understanding among the nations. In this way alone can we produce a record of accomplishment worthy of the respect of all the peoples of a united world." •

The attitude set forth by the Chairman of the delegation in this opening speech was reflected in the statements and votes of the Canadian representatives on the various committees of the Assembly. The contribution of the Canadian delegation to the specific problems which were discussed is set forth in this report and the text of a number of statements made by Canadian representatives in the committees and at the plenary meetings of the Assembly is given in the appendices.

Political Questions

1. DISARMAMENT

What appears to be the most important accomplishment of the second part of the First Session of the General Assembly was its unanimous adoption on December 14, 1946, of a resolution on the principles governing the general regulation and reduction of armaments.¹ No one expected, when the second part of the First Session opened on October 23, that it would be possible for all the Members of the United Nations to agree, before the end of 1946, to take this first step towards general disarmament. The unexpected ability of the Members of the U.N. to reach unanimous agreement in the Assembly on this step has done much to restore confidence in the ability of the nations to keep the peace and in the value of the United Nations, and especially its Assembly, as an instrument for the maintenance of international peace and security.

Speaking of the action of the Assembly in adopting this resolution, the President of the Assembly, M. Spaak, the Foreign Minister of Belgium, said in his address on the closing day of the session:—

“The decision for which we have voted has raised great hopes. Since San Francisco, since the time when we adopted the Charter, we have accomplished nothing so important as the motion on disarmament. If in the months and weeks to come the competent organs [of the United Nations] really succeed in making the text we have submitted to them a living reality, I think that mankind will have entered a new era, which you have ushered in—a fact of which you may well be proud.”

The passage of a disarmament resolution by a unanimous vote of the Assembly is, as M. Spaak implied, no more than a first step. It is now the responsibility of the Security Council, with the assistance of the Atomic Energy Commission and the Military Staff Committee, to take the second and more difficult step—to conclude the special agreements putting armed forces at the disposal of the Security Council, and to draw up concrete plans or draft conventions on disarmament for submission to a special session of the General Assembly. It will then be necessary for the Members of the U.N.,

¹The text of this resolution is given in Appendix II, pp. 173 to 175.

meeting in special session of the General Assembly, to agree on the texts of the necessary international conventions. Finally, the conventions adopted by the Assembly will have to be ratified by the signatory states before they can come into force and the actual reduction, regulation or prohibition of armaments be accomplished.

Speaking on this point in the General Assembly on December 14, 1946, just before the adoption of the disarmament resolution, the Canadian representative said:—

“Let us not mislead ourselves and our peoples about the difficulties of the task which lies ahead of us. We will today only have laid an essential stone in the foundation of a just and stable world order, in which it may be possible for men and nations by their joint and sustained efforts to live together as good neighbours, free from fear and want and with liberty of thought and worship.

“The task of completing the edifice of peace will be heavy. It will be long and dreary. It will be full of setbacks and heartbreaks. There will be brief moments of elation, such as that of last night and of today, but there will also be periods of despair. If we, the peoples of the United Nations, are to succeed in our task we must be willing to experiment, and to run great risks to attain great objectives. We must be resolute and display in our just cause a holy obstinacy.

“We must have faith in ourselves and in each other. Above all we must remember that all men are brothers and that upon the dignity, the liberty, the inviolability of the individual men, women and children of the world depend the welfare of the people, the safety of the state and the peace of the world.”

The resolution adopted by the Assembly deals with four related aspects of the disarmament problem:

- (1) the prohibition of atomic and all other major weapons adaptable now and in the future to mass destruction;
- (2) the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;
- (3) the placing of armed forces at the disposal of the Security Council;
- (4) the general regulation and reduction of armaments and armed forces.

So far as the first two aspects are concerned, the resolution reaffirms the Assembly resolution of January 24, 1946, which set up the Atomic Energy Commission; it urges the Commission to fulfill its terms of reference as set forth in section 5 of that resolution;¹ it recommends that the Security Council expedite consideration of a

¹These terms of reference are quoted in paragraph 3 of the draft resolution on disarmament presented by the Canadian delegation on November 28, 1946. See page 170. The complete text of the Assembly resolution of January 24, 1946 is given in the Canadian report on the London Assembly, pp. 66-7.

draft international convention, or conventions, based on the reports of the Commission; and it states that these conventions should create, within the framework of the Security Council, an international system of control and inspection operating through special organs deriving their powers and status from the conventions.

On the third aspect of the problem, "the General Assembly, regarding the problem of security as closely connected with that of disarmament, recommends the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter."¹

The first two aspects of the problem had already been dealt with by the Assembly in its resolution of January 24, 1946. It was not therefore necessary for the Assembly to deal with these two aspects in detail in its December resolution. However, on the fourth aspect—the general regulation and reduction of armaments and armed forces—the Assembly was breaking new and difficult ground. It was therefore necessary for the Assembly to go into considerable detail if its work was to be constructive.

The resolution sets forth the four stages of the process of general disarmament. The first stage is that which the Assembly took in adopting, in virtue of its powers under Article 11 of the Charter, a resolution on the principles which should govern the general regulation and reduction of armaments. The second stage is the formulation by the Security Council, under Article 26 of the Charter, of plans for the establishment of a system for the regulation and reduction of armaments. During this stage the Security Council will be doing the work of a preparatory commission on disarmament. The third stage is the consideration by all the Members of the U.N.,

¹Article 43 of the Charter reads as follows:

4. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

at a special session of the General Assembly, of the plans formulated by the Security Council. The fourth stage in the process of general disarmament is the ratification by the signatory states and the coming into force of the disarmament treaties or conventions approved by the General Assembly in special session.

The resolution establishes four principles of general disarmament:—

- (1) An early general regulation and reduction of armaments and armed forces is necessary in order to strengthen international peace and security;
- (2) Practical measures shall be agreed upon to assure that the regulation and reduction of armaments and armed forces will be generally observed by all participants and not by some only;
- (3) Practical and effective safeguards by way of inspection and other means shall be provided to protect complying states against the hazards of violations and evasions;
- (4) The international convention or conventions on disarmament shall create, within the framework of the Security Council, an international system of control and inspection, operating through special organs deriving their powers and status from the convention or conventions.

These principles, which are stated explicitly in the resolution, clearly imply that the international system of control and inspection of general disarmament will have to be clothed with all the powers required to implement practical and effective safeguards by way of inspection and other means and to detect and report on any breach or threatened breach of the disarmament convention or conventions. There can be no requirement of unanimity in the organs of the international system of control and inspection since, if any state had a veto over inspection and report, other states would obviously not be protected against violations and evasions by that state or by states which it was attempting to shield. Nor would there be assurance that the conventions were being generally observed by all participants and not by some only.

Not only does the resolution set forth the four stages of general disarmament and establish four explicit principles and one implicit conclusion, it also puts the responsibility for speedily completing the next stage in the process of disarmament squarely on the shoulders of the Security Council. The Security Council is

asked by the Assembly to "give prompt consideration" to working out the "practical measures" referred to in the second principle and the "practical and effective safeguards" referred to in the third principle. In their turn the Members of the U.N. are called upon to render every possible assistance to the Security Council in its work.

The task of securing unanimous agreement in the Assembly on a useful disarmament resolution was one of very great difficulty. The issues were complex in themselves and were further complicated by the introduction by the Soviet delegation of a resolution on the presence in foreign territories (other than ex-enemy territories) of armed forces of Members of the U.N. The debate on this in the Political Committee immediately preceded the debate on disarmament. Later the two issues became inextricably intertwined and the final result was the passage by the Assembly on December 14, 1946, of a resolution which merely called upon the Security Council to determine, as soon as possible, the information which the Members of the U.N. should be called upon to furnish in order to implement the disarmament resolution as soon as possible.

To the Soviet delegation belongs the credit of initiating discussion of a disarmament resolution, but the Soviet resolution,¹ both in its original form of October 29 and as amplified on November 26, was unsatisfactory even as a basis of discussion. It, like the United States substitute resolution of November 30,¹ stated objectives in general terms but did not sufficiently point the way to a speedy attainment of the objectives. A comparison of either resolution with the text of the final Assembly resolution demonstrates how large were the gaps in both the Soviet and the United States resolutions. The Soviet and United States resolutions not only contained gaps; they were also, in important respects, ambiguous.

Experience, particularly during the past few years, has amply demonstrated that international declarations which can be given a number of conflicting meanings cause international resentment and create obstacles to the attainment of the ends which their authors

¹ The text of the Soviet resolution is given in Appendix II, p 168, and the text of the United States resolution on p. 171.

had in view. Even in its final form, the disarmament resolution passed by the Assembly has caused difficulty in the Security Council. This has, at least in part, been due to the fact that a number of the paragraphs of the resolution deal with both (a) the control of atomic energy and the prohibition of weapons of mass destruction and (b) the general regulation and reduction of armaments and armed forces. (The Canadian delegation protested without avail against this drafting). It is clear that had the final resolution contained not only this imperfection but also the other ambiguities present in the original Soviet and United States resolutions, the debates which would have been precipitated in the Security Council and the Atomic Energy Commission on what the words of the resolution meant and what it was the Assembly had recommended the Security Council and the Atomic Energy Commission to do would have been long, harassing and probably sterile.

What appeared to the Canadian delegation to be a major fault in the Soviet resolution was that it stated that the primary objective was "the prohibition to produce and use atomic energy for military purposes". Two other references were made in the Soviet resolution to "the prohibition of the use of atomic energy for military purposes". No reference was made to the control of atomic energy to ensure that it may be used but only for peaceful purposes. The processes involved in the development of atomic energy for peaceful and for military uses are the same until the final stages. Therefore, unless the production and use of atomic energy are to be prohibited for both peaceful and military purposes, means must be provided to ensure that atomic energy is controlled to the extent necessary to ensure its use only for peaceful purposes. The primary objective was therefore not, as the Soviet delegation urged, "the prohibition to produce and use atomic energy for military purposes", but the expeditious fulfilment by the Atomic Energy Commission of all its terms of reference, which included both the elimination of atomic weapons and also the control of atomic energy.¹

¹The weaknesses in the Soviet resolution are analyzed in the statements made by the Canadian representative on November 28 and 30, 1946. See Appendix II, pp. 183 to 189.

This error which originated in the Soviet resolution, persisted until almost the final draft of the Assembly resolution. Thus it was still present, though couched in different language, in the draft submitted on December 11, 1946, by the drafting group of nine states to the sub-committee of twenty states.¹

The United States resolution also gave rise to difficulties. The second paragraph contained a recommendation that "the Security Council give first consideration to the report which the Atomic Energy Commission will make to the Security Council before December 31, 1946". This might be taken as supporting the view that the report which the Atomic Energy Commission had decided should be submitted to the Security Council before December 31 should not be a progress report, covering only matters which had been fully explored by the Commission, but should cover virtually the whole field dealt with in the original United States proposals submitted to the Commission by Mr. Baruch on June 14, 1946, many aspects of which had not been studied by the Commission. Moreover, in view of the known opposition of the Soviet Government to some of the principles in Mr. Baruch's proposals, (notably the proposal that the veto be abolished in relation to enforcement action by the Security Council in the event of violation of the future international agreement on atomic energy), the insistence that priority be given by the Security Council to the Atomic Energy Commission's report was an almost certain obstacle to agreement by the Assembly on a disarmament resolution.

Moreover, the United States resolution contained a recommendation that the Security Council should "give prompt consideration to the working out of proposals to provide . . . practical and effective safeguards in connection with the control of atomic energy". This might be construed to imply that the Atomic Energy Commission had failed to do the job assigned to it by the Assembly in January, which included the making of "specific proposals . . . for effective safeguards" and that the Security Council should take over.

¹The text of the report of the drafting group is given in Appendix II, pp. 172 to 173. Some of the weaknesses in this draft are analyzed in the statement made by the Canadian representative on December 12, 1946. See below, pp. 192 to 194.

In the final text of the resolution on disarmament the first difficulty present in the original United States resolution was removed by the substitution of the words "expedite consideration of the reports which the Atomic Energy Commission will make to the Security Council", for the words "give first consideration to the report which the Atomic Energy Commission will make to the Security Council before December 31, 1946". The second passage was retained in the final text of the disarmament resolution but the danger of misconstruction was lessened by the addition to the resolution of two provisions which did not appear in the original United States resolution: the Atomic Energy Commission was urged to fulfill its terms of reference as set forth in the Assembly's resolution of January; and it was stated that nothing in the disarmament resolution altered or limited the resolution passed by the Assembly in January establishing the Atomic Energy Commission.

The Canadian Contribution

A comparison of the final text of the disarmament resolution with the various preceding drafts, and a study of the Canadian proposals and amendments and of the speeches given in explanation of them, indicate the nature and significance of the contribution which Canada made to the disarmament discussions which took place during the second part of the First Session of the General Assembly.¹

On October 29, in the opening debate in the General Assembly, the chairman of the Canadian delegation expressed the concern of the Canadian delegation over the failure of the Security Council and the Military Staff Committee to make substantial progress towards a conclusion of the special agreements with Members of the U.N. required to make armed forces and other facilities available to the Security Council. He went on to say:

"It would be in the interest of all Members of the United Nations to see the Security Council equipped and ready in fact to enforce proper decisions for the maintenance of world peace and also to see serious consideration given to the reduction of national armaments so that the productive capacity of the world thus conserved may be used for improving the living conditions of all peoples."

¹The stages in the development of the various paragraphs of the final disarmament resolution are set forth in Appendix II, pp. 175 to 182. The text of the Canadian speeches is given in the same appendix, pp. 183 to 198.

Later in the day on which this statement was made, Mr. Molotov put the Soviet proposal for disarmament before the Assembly. This proposal, coming as it did from one of the two most heavily armed powers of the world, made it appear that immediate progress towards disarmament should be envisaged at once as a political possibility.

The Soviet resolution, because of its inadequacies and ambiguities, required amendment. Canada did not, however, consider it appropriate that a nation with a comparatively small population which had never had armed forces which might constitute a threat to the peace of the world should take the lead in putting forward the necessary amendments. Canada considered it more appropriate that that lead should be taken by the United States, both because it was one of the two most heavily armed powers, and because its interests were especially affected by what appeared to be the Soviet proposal that the atomic bomb should be abolished before measures were agreed upon to carry out other terms of reference of the Atomic Energy Commission.

However, since the proposals made in the Soviet resolution were of direct concern to all nations and not only to the most heavily armed, there was prepared in the Canadian delegation a "working paper" setting forth a tentative draft of a possible substitute for the Soviet resolution. This "working paper" of November 4¹ was prepared as a basis of discussion within the Canadian delegation and was also shown as a provisional and tentative draft to a few other delegations whose general approach to the problem was thought to be much the same as that of the Canadian delegation.

An interval of a month elapsed between the presentation of the Soviet proposal on October 29 and the opening of the debate on disarmament in the Political Committee on November 28. When that debate opened, the United States was not ready to introduce a substitute resolution. The Canadian substitute resolution² which was a revision of the working paper of November 4 was therefore immediately introduced. Two days later the United States introduced its substitute resolution³.

¹ The text of the working paper is given in Appendix II, pp. 169 to 170.

² The text of the Canadian resolution on November 28 is given below, pp. 170 to 171.

³ The text of the United States resolution of November 30 is given below, p. 171.

After devoting five meetings to a debate on disarmament (November 28, 29, 30, December 2 and 4), the Political Committee appointed a sub-committee of twenty states to study all the relevant resolutions submitted to the committee and to draft, if possible, a unanimously acceptable resolution. This sub-committee took as the basis of its discussion the United States resolution. After four open meetings (December 5, 6, 7 and 9) it appointed a drafting group consisting of the Chairman (M. Spaak of Belgium), the rapporteur (Mr. Clementis of Czechoslovakia), the five great powers, Canada and Egypt. The drafting group held three meetings (December 9, 10 and 11) and reported a provisional draft resolution back to the sub-committee on December 11¹. Two further meetings of the sub-committee were held (December 11 and 12), to discuss this draft resolution. Three Canadian amendments and one United States amendment to the report of the drafting group were accepted, a number of improvements were made in the language and structure of the resolution and a draft resolution was adopted for presentation to the Political Committee. The Political Committee on December 13, after making a few minor drafting improvements, adopted unanimously and by acclamation the resolution submitted by the sub-committee; and this resolution was likewise adopted unanimously and by acclamation by the General Assembly on December 14.

The critical stage in the discussions was the period of December 9 to 12. At its meetings on December 9 and 10, the drafting group adopted paragraphs 2 and 3 of its draft resolution. The Canadian representative was unable to persuade the other members of the group that the amendments which he was putting forward to these two paragraphs were more than drafting amendments. He therefore had to reserve the position of the Canadian delegation on these two paragraphs. These essential Canadian amendments were, however, accepted unanimously by the sub-committee on December 12. The first was to add at the end of what became paragraph 4 of the final resolution a reference to the necessity of the international conventions providing not only for the prohibition of weapons of mass destruction but also for the control of atomic energy to the

¹ See pp. 172 to 173 for the text of this provisional draft resolution.

extent necessary to ensure its use only for peaceful purposes. The second was a consequential amendment to what became paragraph 6 of the final resolution.¹

Canada also secured on December 12 the adoption by the sub-committee of the substance of its amendments to the first paragraph of the draft resolution submitted by the drafting group. This first paragraph became paragraphs 1 and 2 of the final resolution. The purpose of these amendments was to make clear that the action of the Assembly in adopting a resolution on disarmament was only the first of four stages in the process of disarmament. This would help to lessen the danger that the resolution would unintentionally mislead the public into believing that the task of disarmament was a simple one. Moreover it was desirable, in order to avoid unnecessary debate in the future over procedure, to state explicitly the nature of the third stage in the process of disarmament—the submission of the disarmament plans formulated by the Security Council to all the Members of the U.N. for consideration at a special session of the General Assembly at which disarmament treaties or conventions would be adopted. The Canadian amendment to state explicitly the nature of this third stage was adopted by the sub-committee by a vote of ten to eight.

Another contribution made by Canada to the disarmament debate was over the vexed question of a great power veto over the imposition of sanctions. There was danger that the interjection of this question into the Assembly's discussion of the disarmament resolution might make the attainment of unanimous agreement impossible. The Canadian representative therefore urged, at a meeting of the Political Committee on December 4, that this question be approached realistically. If, under present conditions, "there came about a situation where it was felt that sanctions would have to be applied against one of the great powers, it would be a condition of imminent war whether the opposition of that power took the form

¹The importance of the first of these amendments is explained in the statement made by the Canadian representative to the sub-committee on December 12, 1946. See pp. 192 to 194.

of resistance or of the veto. The only way by which it could be overcome would be by the use of force and the use of force against a great power means war.”¹

The same issue arose in the Atomic Energy Commission a few days after the adoption by the Assembly of the disarmament resolution. Canada, at that time, circulated to the members of the Commission a memorandum which contained an elaboration of the arguments which it had advanced in the Assembly.²

¹The text of this speech is given below, pp. 189 to 192.

²The text of that part of this memorandum of December 19, which dealt with sanctions is given pp. 196 to 198.

2. THE PRACTICES AND PROCEDURES OF THE SECURITY COUNCIL¹

The Political Committee of the General Assembly was presented with two sets of proposals on the practices and procedures of the Security Council.

The aim of the first set of proposals was to eliminate by amendment of the Charter the right of veto possessed by the permanent members of the Security Council. The aim of the second set of proposals was to reform, within the limits of the Charter as it is, the practices and procedures of the Security Council, especially in relation to the pacific settlement of international disputes and the peaceful adjustment of international situations likely to endanger the maintenance of international peace and security. Both sets of proposals had a common origin—the abuse of the right of veto during the first nine months of the existence of the Security Council.

The view of the great majority of the Assembly was that it was premature to call in question at the very first session of the Assembly the rule of great power unanimity set forth in Article 27 of the Charter. The Cuban proposal that, under Article 109 of the Charter, a General Conference of the Members of the U.N. be held at the end of 1947 for the purpose of reviewing the Charter and of recommending alterations in it, was therefore decisively defeated in Committee. It received the support of only seven members—Argentina, Bolivia, Cuba, Dominican Republic, El Salvador, Honduras, and the Philippine Republic. Twenty-seven members (including Canada) voted against it and eight abstained. A related proposal by Cuba for the appointment of a special committee to recommend amendments of the Charter to the Assembly was rejected by a vote of thirteen in favour, twenty opposed (including Canada) and nine abstentions.

¹The background of this question is given in the following sections of the Canadian report on the San Francisco Conference:

Voting in the Security Council (pp. 30-32);

Pacific Settlement of Disputes (pp. 33-35);

Amendments (pp. 66-68).

From the very outset of the discussions in the Political Committee this result was a foregone conclusion. The members of the Committee were not interested, at this stage in the history of the U.N., in proposals to amend the provisions of the Charter relating to voting in the Security Council. They were, however, "very much concerned", as the spokesman for the Canadian delegation put it in his statement of November 15, "by the impairment of world confidence in the efficiency of the Security Council, as an instrument for the maintenance of international peace and security, which has resulted from the so frequent display of its inability to reach prompt and satisfactory decisions"—an inability which was in large part consequential on the abuse of the right of veto.

The discussions in the Political Committee demonstrated that almost all the Members of the U.N. believed that the Security Council should reform its practices and procedures. It was therefore hoped that the permanent members of the Security Council could reach agreement on a self-denying ordinance, which they would submit to the Committee for its approval, under which each would voluntarily undertake to restrict in future the exercise of its right of veto, and to support improvements in the rules of procedure of the Security Council designed to ensure its more effective functioning. In an effort to secure this agreement, Mr. Bevin, the Foreign Secretary of the United Kingdom, who was then in New York, communicated on November 15, to the other permanent members of the Security Council, a memorandum suggesting seven reforms in the practices and procedures of the Security Council. The permanent members of the Security Council having failed to agree on these suggestions, the memorandum was presented by the United Kingdom to the Political Committee.¹ In presenting this memorandum, the United Kingdom representative stated that the United Kingdom intended to act in accordance with the suggestions contained in it.

The discussions in the Political Committee were resumed and the final result was the passage of an amended version of an Australian resolution. The resolution as passed by the Committee and later by the Assembly reads as follows:

¹ The text of the memorandum is given in Appendix III, p. 201.

The General Assembly,

Mindful of the Purposes and Principles of the Charter of the United Nations, and having taken notice of the divergencies which have arisen in regard to the application and interpretation of Article 27 of the Charter,

Earnestly requests the permanent members of the Security Council to make every effort, in consultation with one another and with fellow members of the Security Council to ensure that the use of the special voting privilege of its permanent members does not impede the Security Council in reaching decisions promptly;

Recommends to the Security Council the early adoption of practices and procedures, consistent with the Charter, to assist in reducing the difficulties in the application of Article 27 and to ensure the prompt and effective exercise by the Security Council of its functions; and

Further recommends that, in developing such practices and procedures, the Security Council take into consideration the views expressed by Members of the United Nations during the second part of the first session of the General Assembly.

This resolution was approved by the Assembly by a vote of thirty-six to six, with nine abstentions. Canada voted in favour. The states which voted against were the three Soviet republics and Czechoslovakia, Poland and Yugoslavia. The states which abstained were Chile, China, Denmark, Ethiopia, France, Haiti, Iceland, India and Norway. Costa Rica, Panama and Sweden were absent when the vote was taken.

The resolution as submitted to the Committee had contained a second paragraph in the preamble:—

Considers that, in some instances, the use and the threatened use of such power of veto have not been in keeping either with the general purposes and principles of the Charter or with the understanding of the United Nations Conference on International Organization held at San Francisco.

This paragraph was rejected by the Committee by a vote of ten in favour, nineteen opposed (including Canada), and thirteen abstentions. The views of those who voted against the paragraph were well expressed by the United States representative, who said that it implied a condemnation of past events, that it reflected on members of the Security Council, and that harsh words were of no avail in a resolution whose effectiveness would depend on its persuasiveness.

It is too soon to say how persuasive and effective the resolution will be. It is, as the Canadian representative said in the debate in

the plenary meeting of the Assembly on December 13, "couched in the traditional diplomatic language of understatement". "It clearly means, however," he went on to say, "that we, the members of this Assembly, believe that the Security Council has yet to demonstrate that it is capable of doing the job the United Nations has a right to expect of it, and which is expected of it by the peoples of the world."

The essential part of the resolution is the final recommendation that the Security Council, in developing its practices and procedures, take into consideration the views expressed by Members of the U.N. during the second part of the First Session of the General Assembly. If the Security Council adopts the proposals for reform in its practices and procedures which received at the Assembly the explicit or implicit approval of the great majority of the members of the Assembly, the Security Council will be in a position to fulfill the functions of the supreme world agency for international conciliation.

The Canadian Position

A clear and comprehensive statement of the reforms which the Security Council might adopt is contained in the memorandum on pacific settlement by the Security Council which was submitted by the Canadian delegation to the Political Committee on November 30.¹ This memorandum sets forth in an eight-point program the proposals made by the Canadian representative at the meeting of the Political Committee on November 16. At that time he said,

"I have thought that, speaking towards the conclusion of this discussion, I might try to bring together as many specific suggestions as possible for improving the practices and procedures of the Security Council within the framework of the Charter as it is, even though some of these suggestions have already been put forward by other delegations. I put these suggestions forward in the hope that they may be of assistance to the members of the Security Council. They, I know, recognize as do the rest of us that difficulties in the practical application of the provisions of the Charter relating to pacific settlement have impaired the confidence of the public in the readiness and ability of the Security Council to fulfill adequately and promptly the obligations imposed on it by all the Members of the United Nations, that the experience of the past nine months has demonstrated that the provisions of the Charter

¹ The text of the memorandum is given in Appendix III, pp. 204-206. It is preceded by extracts from the statement made by the Canadian representative on November 16.

relating to pacific settlement require clarification, and that the procedures followed by the Security Council in dealing with the pacific settlement of disputes and situations require to be more closely defined."

The United Kingdom delegation formally announced in Committee that it gave general support to the Canadian memorandum of November 30. The Australian delegation also associated itself with the principles contained in it. The following is a summary of the memorandum.

The Charter has imposed on each individual member of the Security Council the obligation to exercise its rights and responsibilities as a member of the Council not in defence of its own special national interests but in defence of the interests of the U.N. as a whole.

Permanent members have special responsibilities since failure by any one of them to agree with certain decisions supported by the requisite number of other members of the Council might prevent the Council from exercising its functions as the supreme agency of international conciliation.

In order that a permanent member may not have to veto a proposal which it feels it cannot actively support, the right of a permanent member to refrain from supporting a proposal, without by so doing exercising a veto, shall be formally recognized in the rules of procedure of the Security Council.

The rules of procedure should further provide that, when a state brings a dispute or situation to the attention of the Security Council, it should submit in writing a preliminary statement showing in what manner the continuance of the dispute or situation might endanger the maintenance of international peace and security and setting forth the steps which have been taken by the states concerned to carry out their obligation under the Charter to seek a solution by peaceful means of their own choice before coming to the Security Council.

Since the Security Council's jurisdiction (except on reference by both parties to a dispute) is restricted by the Charter to disputes and situations which are likely to endanger the maintenance of international peace and security, the Security Council should work out agreed procedures to ensure that the early stages of its consideration of a dispute or situation are directed towards settling the preliminary question of the Council's jurisdiction to deal with the matter.

Since the primary responsibility of the Security Council for the maintenance of international peace and security was conferred on it by the Members of the U.N. to ensure prompt and effective action, the rules and practices of the Council should be based on a recognition of the Security Council's obligation to deal with disputes and situations once it has decided that they come within its jurisdiction.

The Security Council should work out agreed procedures to ensure that no state is judge in its own cause.

3. THE ADMISSION OF NEW MEMBERS¹

Under Article 3 of the Charter the fifty states represented at the San Francisco Conference, together with Poland, were given the right to become original Members of the U.N. All fifty-one states availed themselves of this right. Article 4 of the Charter contains the provisions governing the admission of new Members. It reads as follows:

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Under other articles of the Charter it is provided that the recommendation by the Security Council requires an affirmative vote of seven members, including the concurring votes of all five great powers (i.e., any one of them can veto the admission of any state), and the decision by the Assembly requires a two-thirds majority of the members present and voting.

Eight applications for membership were voted on by the Security Council on August 29, 1946. After a stormy meeting the Council voted unanimously (with Australia abstaining) in favour of recommending the admission to membership of Afghanistan, Iceland and Sweden, but rejected the applications of Albania, Ireland, Outer Mongolia, Portugal and Transjordan.

The application of Albania was approved by only five members (including the U.S.S.R.). The application of Outer Mongolia was approved by only six members (including the U.S.S.R.). These applications, having failed to secure seven votes, would have been defeated even if the right of veto by an individual great power had not existed. They were not therefore rejected as the outcome of the exercise of the veto.

¹The background of this question is given in the Canadian report on the San Francisco Conference, pp. 19-20.

Eight states voted for the admission of Transjordan and Portugal. Poland and the U.S.S.R. voted against their admission and Australia, for peculiar constitutional reasons, abstained from voting on all eight applications. In the voting on the application of Ireland for admission, the only state which voted against the application was the U.S.S.R.

Thus one member of the Security Council, by its individual veto had prevented a great majority of the members of the Council from recommending to the Assembly the admission of Ireland, Portugal and Transjordan.

The sole reason given by the Soviet representative in the Security Council for voting against the admission of Ireland, Portugal and Transjordan was that these countries did "not have normal diplomatic relations with the Soviet Union".

The General Assembly was, therefore, faced with two questions. The first was whether it would concur with the recommendation of the Security Council that Afghanistan, Iceland and Sweden should be admitted to the United Nations. The second was what, if anything, it should do about the applications for admission of the other five states which had failed to secure the approval of the Security Council.

On the first question there was no doubt as to the decision which should be made and the Assembly, unanimously and with virtually no debate, decided that Afghanistan, Iceland and Sweden should be admitted to the United Nations. Canada wholeheartedly endorsed this decision. Later in the session Siam was admitted into the U.N. by unanimous vote of the Security Council and of the Assembly.

The other question was, however, more complex. A member of the Security Council had clearly violated the spirit of the Charter by vetoing on improper and irrelevant grounds the admission to the U.N. of Ireland, Portugal and Transjordan. The Assembly could pass a vote of censure on that member for its action and could recommend to the Security Council that it admit all or some of those three states. It could also express its concurrence or non-concurrence in the action of the Security Council in rejecting the applications of Albania and Outer Mongolia. However, while the Assembly would

be constitutionally competent to take such action, it was doubtful whether the action would serve any useful purpose. Under the terms of the Charter any great power could veto the admission of any state. Nothing which the Assembly could do could change this. In this, as in other aspects of the abuse of the veto in the Security Council, the effectiveness of any discussion or action by the Assembly would depend upon its persuasiveness.

Faced with this situation, the Political Committee of the Assembly took the only useful course open to it. There was no censure by formal resolution but a series of speeches were delivered which made clear the opinion of the great majority of the members of the Committee. The Committee then passed a resolution which drew attention in its preamble to the precise terms of Article 4 of the Charter and went on to recommend to the Security Council that it re-examine the applications of the five states, whose admission had not been recommended by the Security Council, "on their respective merits as measured by the yardstick of the Charter, in accordance with Article 4". This resolution was adopted by the Committee by forty-two votes (including Canada's) to nothing, with seven abstentions. It was subsequently adopted unanimously by the Assembly.

The Canadian Position

The attitude of the Canadian delegation was set forth clearly in the Canadian statement of November 5 to the Political Committee.¹ Canada rejected as wholly improper and contrary to the Charter the creation by any Member of the U.N. of a new criterion for membership in the United Nations which was not set forth in the Charter, this new criterion being the maintenance of normal diplomatic relations with that Member. Canada insisted that the San Francisco Conference had decided against including in the Charter criteria for membership more specific than those now set forth in the Charter.

Moreover, the new criterion relied upon was one which could not be defended. The Charter specifically referred to membership in the U.N. of "all *other* peace-loving states". This meant that, for the purposes of the Charter, the term "peace-loving" described all

¹The text of the speech is given in Appendix IV, pp. 207-208.

the original Members of the U.N. A number of these fifty-one states entitled to become original Members did not, at the time of the signing of the San Francisco Charter, have normal diplomatic relations with all the permanent members of the Security Council. Therefore, it was wholly unconstitutional and improper for a permanent member now to contend that a state was not peace-loving if it did not maintain normal diplomatic relations with it.

Canada, therefore, considered that the action of the Soviet Union in vetoing the admission to the U.N. of Ireland, Portugal and Transjordan on the ground that they did not have normal diplomatic relations with the Soviet Union was a violation of the Charter.

This did not mean that Canada necessarily favoured the admission of all three states. It was clear, however, that Ireland, Portugal and Transjordan were peace-loving states within the meaning of Article 4 of the Charter. Therefore, their applications for membership should be examined from the standpoint of whether or not they satisfied the second criterion of Article 4 of the Charter—ability and willingness to carry out the obligations of the Charter. The Canadian representative went on to say:—

“In this connection a principal factor in our view is that the state concerned should possess a sufficient degree of sovereignty to enable it to carry out the obligations imposed by the Charter. The degree of dependence of an applicant upon another state, therefore, is relevant to the enquiry.”

Canada had no doubts as to the eligibility of Ireland and Portugal. The information available to the Committee indicated, however, that some doubt existed as to the ability of Transjordan to carry out independently the obligations of the Charter. Canada stated that it would, therefore, like to have an opportunity of examining more closely the position of Transjordan from this point of view before advocating its admission to the U.N.

As this was the first time that the Assembly was dealing with the applications of states for membership in the U.N., it was essential that nothing which the Assembly did should create a dangerous precedent. It was for this reason that Canada emphasized the importance of an applicant state possessing a sufficient degree of

sovereignty to enable it to carry out independently the obligations imposed by the Charter and insisted that the degree of dependence of an applicant upon another state was a relevant consideration.

Experience in the Assembly has already demonstrated that the admission of Members so dependent upon another Member of the U.N. that they do not, in fact, possess a sufficient degree of sovereignty to enable them to carry out independently the obligations imposed by the Charter does not serve the general interest.

4. RELATIONS OF MEMBERS OF THE UNITED NATIONS WITH SPAIN

The San Francisco Conference adopted by acclamation a resolution barring from membership in the U.N. states "whose regimes have been installed with the help of armed forces of countries which have fought against the United Nations so long as these regimes are in power". The purpose of this resolution was to bar Franco Spain from membership in the U.N.

The General Assembly on February 9, 1946, at its London meeting endorsed this declaration and the declaration subsequently made by the United Kingdom, the United States of America and the Soviet Union at Potsdam that they would not support a request for admission to the U.N. of the present Spanish Government "which, having been founded with the support of the Axis powers, in view of its origins, its nature, its record and its close association with the aggressor states, does not possess the necessary qualifications to justify its admission."

After endorsing these two declarations, the General Assembly in London recommended that "the Members of the United Nations should act in accordance with the letter and the spirit of these statements in the conduct of their future relations with Spain."¹

On March 4, 1946, France, the United Kingdom and the United States issued a joint declaration on Spain. They stated that they had "no intention of interfering in the internal affairs of Spain". They hoped that "the Spanish people will not again be subjected to the horrors and bitterness of civil strife" but that "leading patriotic and liberal-minded Spaniards may soon find means to bring about a peaceful withdrawal of Franco, the abolition of the Falange, and the establishment of an interim or caretaker government under which the Spanish people may have an opportunity freely to determine the type of government they wish to have and to choose their leaders".

¹The General Assembly's resolution of February 9, 1946, was adopted by a vote of forty-five in favour (including Canada), two against (El Salvador and Nicaragua), and four states absent.

The declaration concluded with the statement that "the question of the maintenance or termination by the Governments of France, the United Kingdom and the United States of diplomatic relations with the present Spanish regime is a matter to be decided in the light of events and after taking into account the efforts of the Spanish people to achieve their own freedom."

During April, May and June of 1946 the Security Council discussed the Spanish question. Poland asked the Council to declare the activities of the Franco regime a threat to international peace and security and to direct all Members of the U.N. to sever diplomatic relations with Franco immediately. This resolution was defeated by a vote of seven to four (France, Mexico, Poland and the Soviet Union) after a compromise resolution recommended by a sub-committee had been vetoed by the Soviet Union on the ground that it did not go far enough.

The sub-committee composed of Australia, Brazil, China, France and Poland had reached the conclusion that "the activities of the Franco regime do not at present constitute an existing threat to the peace within the meaning of Article 39 of the Charter". It followed from this that the Security Council did not have power under the Charter to direct the Members of the U.N. to impose any kind of sanction against Franco Spain, for it has power to require the Members to impose sanctions only if it has decided that there exists a threat to the peace, a breach of the peace or an act of aggression. In the opinion of the sub-committee, the most the Security Council could do was to recommend to the Assembly that it pass a resolution *recommending* to the Members of the U.N. (but not *requiring* them) to terminate diplomatic relations with the Franco regime.

The relations of the Members of the U.N. and of the U.N. itself to the Franco regime was also discussed at various meetings of the Economic and Social Council in the spring and summer of 1946. Thus the Soviet Union contended that the International Civil Aviation Organization ought not to be brought into relation with the U.N. until the Aviation Organization had expelled Franco Spain from its membership. The Council rejected this proposal by a vote of eleven

(including Canada) to four (U.S.S.R., Czechoslovakia, Ukraine and Yugoslavia) with three abstentions. Similarly the Council rejected a proposal of the U.S.S.R. that the International Chamber of Commerce should not be given the status of a recognized non-governmental organization so long as it had a branch in Spain. Canada voted against the Soviet proposal. On the other hand the Council decided that the revised narcotics conventions should not be open to signature by the Franco Government; Canada abstained on this vote.

A prolonged debate on Spain took place in the Political Committee of the Assembly. The proposals ranged from that of Byelorussia, that the Assembly should recommend that each Member terminate diplomatic and economic relations with Franco Spain, to that of Colombia that the Assembly should defer until its next session discussion and adoption of proposals for diplomatic and economic sanctions, and instead recommend to the Latin-American Republics that they offer to the Government of Spain their good offices, should the Government of Spain think them useful in order to achieve the establishment in Spain by peaceful means of "the new social and political conditions necessary to enable Spain to be admitted" to the U.N.

Ten votes were taken in Committee on various proposals or parts of proposals. The delegations on the average abstained from about a quarter of the votes. Canada voted in favour of four proposals against three, and abstained on three. The final result was the passage of a compromise resolution¹ which contained three recommendations: (a) the Franco Government should be "debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conferences or other activities which may be arranged by the United Nations or by these agencies"; (b) "if, within a reasonable time, there is not established [in Spain] a government which derives its authority from the consent of the governed, committed to respect freedom of speech, religion and assembly and to the prompt holding of an election in which the Spanish people, free from force and

¹ The text of the resolution is given in Appendix V, pp. 211-212.

intimidation and regardless of party, may express their will, the Security Council [should] consider the adequate measures to be taken in order to remedy the situation"; (c) "all Members of the United Nations [should] immediately recall from Madrid their Ambassadors and Ministers Plenipotentiary accredited there".

The Canadian Position

The attitude of the Canadian Government was set forth clearly in the Canadian statement of December 3 to the Political Committee.¹ This attitude can be summarized as follows:

We abhor the record and the present policies of the Franco dictatorship.

We earnestly hope that the Spanish people may be able to rid themselves of Franco by peaceful means and establish a democratic, responsible and enlightened administration.

We are *not* prepared to support at this time outside intervention in Spain which might impede European recovery, or revive in Spain the horrors and sufferings of civil war.

A new civil war in Spain is not likely to result in the establishment of a moderate and democratic regime. We do not wish to be instrumental in substituting one form of despotic or totalitarian rule for another. We want the Spanish people to enjoy the blessings of freedom—freedom from dictatorships whatever their form, by whatever name they may be called.

A Break in Diplomatic Relations.—In the view of the Canadian Government a break in diplomatic relations is a traditional but ineffective way of exerting pressure on a foreign government. It means that the outside world severs its connection with a government of which it disapproves at the very time that it is most important for the governments of the rest of the world to have direct knowledge of conditions in that country. Canada, therefore, voted against the proposal that the Members of the U.N. should sever diplomatic relations with the Franco Government. This proposal was defeated by a vote of twenty to twenty, with ten abstentions. Among those voting against the proposal were the Netherlands, the United Kingdom and the United States.

Withdrawal from Madrid of Ambassadors and Ministers.—The proposal for a break in diplomatic relations having been defeated in the Political Committee, a compromise proposal was put forward by

¹ The text of the speech is given in Appendix V, pp. 209-211.

Belgium, under which it would be recommended to the Members of the United Nations that they should withdraw from Madrid their ambassadors or ministers and leave their missions under a *chargé d'affaires*. This proposal was not open to the same objections as the proposal for a break in diplomatic relations since governments which so desired could continue in existence their diplomatic missions in Madrid even though they withdrew their heads of missions. Since Canada has no diplomatic relations with Spain, the proposal for the withdrawal of heads of mission did not affect Canada directly and Canada hesitated to advise others as to the course which they should pursue. However, most of the important powers, with the exception of the United Kingdom, had already withdrawn their heads of mission from Madrid; and the United Kingdom, when this question came before the Political Committee, supported it and urged that, as a compromise, the other members of the Committee should also support it. In these circumstances Canada voted in favour of the proposal, which was carried by a vote of twenty-seven to seven, with sixteen abstentions.

Economic Sanctions.—The Byelorussian delegation had proposed that the Members of the U.N. should break off economic relations with Spain but it did not press its proposal to a vote and there was substituted in its place a French proposal that Members of the U.N. cease to import from Spain "foodstuffs and their products until the United Nations is assured that these products are no longer an immediate necessity for the food requirements of the Spanish people". The United Kingdom delegation pleaded that this resolution should not be approved since the United Kingdom had no alternative source of supply than Spain for oranges, bananas and apricots—foods which were essential to the preservation of the health of the people of Great Britain. The Canadian delegation voted against the proposal which was defeated by thirty-two votes to ten, with four abstentions.

Offer of Good Offices by the Latin-American Republics.—The Colombian delegation proposed that the Assembly recommend to the Latin-American Republics that they offer their good offices to the Franco Government in order to assist in a peaceful transfer of power from the Franco regime. The Latin-American Republics were, however, split on this proposal, a number of them vigorously opposing

it. In view of the opposition of these republics, no useful purpose would, in the view of the Canadian Government, have been served by the adoption of this proposal. The Canadian delegation therefore abstained when the proposal was put to a vote. It was defeated by a vote of twenty-six to five, with eighteen abstentions. Four Latin-American republics voted in favour of the proposal, ten against, and four abstained.

Intervention by the Security Council.—When proposals for more active intervention in Spain had been defeated in the Political Committee, the Belgian delegation proposed that the Assembly, in addition to recommending the withdrawal from Madrid of heads of mission, should recommend to the Security Council that if, within a reasonable time, the Franco regime had not been replaced by a satisfactory government the Security Council should consider “the adequate measures to be taken in order to remedy the situation”. The term “measures” has a special meaning in the Charter. It means sanctions. The Belgian proposal, therefore, meant that the Assembly should recommend to the Security Council that the Security Council should consider imposing sanctions against Franco Spain if the Franco regime were still in power after a reasonable time.

Under Chapter VII of the Charter, however, the Security Council *must*, before deciding whether to impose sanctions against a state, first decide whether there exists “any threat to the peace, breach of the peace or act of aggression”. It was, therefore, constitutionally improper for the Assembly to recommend to the Security Council that it violate this Article (Article 39 of the Charter).

Moreover, the adoption of such a proposal, or action by the Security Council under it, would constitute a dangerous precedent for those Members of the U.N. which are not permanent members of the Security Council. Under the Charter, the Members of the U.N. have undertaken to carry out the decisions of the Security Council to impose diplomatic, economic or military sanctions. If the Security Council calls upon the Members of the U.N. to impose these sanctions, each individual Member must do so or violate a treaty obligation which it has incurred by joining the U.N. The Members of the U.N. undertook this obligation on the express condition, written into the Charter in Article 39, that the Security Council would demand that

they impose diplomatic, economic or armed sanctions only when the Security Council had determined that there existed a threat to the peace, a breach of the peace or an act of aggression, which made it necessary that sanctions should be imposed. The Canadian delegation therefore abstained from voting on this Belgian proposal, which was carried in Committee by a vote of twenty-seven to eight, with sixteen abstentions, and in plenary session of the General Assembly by a vote of twenty-nine to eight, with eleven abstentions.

Condemnation of Franco.—The United States delegation presented to the Political Committee the following proposal:—

The General Assembly,

Desiring to secure the participation of all peace-loving peoples, including the people of Spain, in the community of nations;

Recognizing that it is for the Spanish people to settle the form of their government;

Places on record its profound conviction that in the interest of Spain and of world co-operation the people of Spain should give proof to the world that they have a government which derives its authority from the consent of the governed and is pledged to respect human rights and fundamental freedoms, as referred to in Article 1 of the Charter; and that to achieve that end General Franco should surrender the powers of government to a provisional government broadly representative of the Spanish people, committed to respect freedom of speech, religion, and assembly and to the prompt holding of an election in which the Spanish people, free from force and intimidation and regardless of party, may express their will.

And invites the Spanish people to establish the eligibility of Spain for admission to the United Nations.

The Canadian delegation voted in favour of this proposal, which was, however, defeated by the votes of those who wished sterner measures to be taken against Franco. The vote was twenty-two in favour, twenty-two against, and six abstentions.

Specialized Agencies.—A proposal was presented debarring Franco Spain from membership in any specialized agency (e.g., I.L.O., F.A.O., P.I.C.A.O. and the contemplated World Trade Organization) and from participation in conference or other activities arranged by either the U.N. itself or by any of these specialized agencies. In Committee the Canadian delegation voted against this proposal after making the following statement:—

“We feel that the question of the participation of *any* state which is not a Member of the United Nations in *any* specialized agency should be decided on one basis only—the practical advantages to the

peoples of the United Nations of the government of *that* state being committed to the obligations of membership in *that* agency. This is the position which the Canadian Government has consistently maintained in the meetings of the Economic and Social Council and of the specialized agencies. In our opinion no useful purpose is served by limiting the scope or weakening the effectiveness of the specialized agencies in order to debar the Franco Government from the obligations of membership in them."

The proposal, however, was passed by a vote of thirty-two to five, with eight abstentions. Those who voted against the proposal were: Canada, Colombia, Costa Rica, the Dominican Republic and Ecuador. Among the abstainers were the Netherlands and Peru. In view of this overwhelming vote in Committee in favour of the proposal, Canada considered that no useful purpose would be served by continued opposition to it and, therefore, having made its position clear twice in the Committee, did not raise the issue again when it came before the plenary session of the General Assembly.

Final Resolution.—Canada was therefore prepared to vote in favour of the resolution on Spain, which was presented to the plenary session of the General Assembly by the Political Committee, even though it contained the objectionable section on relations with the specialized agencies. The resolution, however, also included the Belgian proposal on the action which should be taken by the Security Council in the event that the Franco regime continued in power after a reasonable time. Canada therefore abstained in the plenary session of the Assembly from voting on the resolution on Spain. The resolution was adopted by a vote of thirty-four to six, with thirteen abstentions. Those who voted against the resolution were: Argentina, Costa Rica, Dominican Republic, Ecuador, El Salvador and Peru.

5. INDIA'S COMPLAINT AGAINST SOUTH AFRICA

The Indian Government on June 22, 1946, requested that the question of the treatment of Indians in the Union of South Africa be included in the agenda of the Assembly. The Indian Government claimed that, under South African legislative and administrative measures, Indians were discriminated against on grounds of their race; amongst the disabilities were the lack of the franchise, restrictions of the rights of ownership and occupation of property, restrictions on trading, on employment in public services and on travel, and lack of educational facilities; the discriminations had reached their climax in the passage in 1946 of the Asiatic Land Tenure and Indian Representation Act, the result of which was the complete segregation of Asiatics as regards both trade and residence; the passage of this act constituted a unilateral repudiation by South Africa of the Capetown Agreement concluded between the two governments in 1927 and of the joint statement of 1932 renewing it; the reactions in India to these measures had been so serious that the Government of India had had to give notice of the termination of the trade agreement between the two countries and to recall the Indian High Commissioner for consultation. The Indian Government concluded by stating that a situation had thus arisen "which is likely to impair friendly relations between India and South Africa and, under Articles 10 and 14 of the Charter, is submitted for the consideration of the General Assembly."

India's complaint was referred to a Joint Committee of the Political and Legal Committees, on which each member of the Assembly was represented.

India requested approval of a resolution under which the Assembly would state that South Africa's "discriminatory treatment of Asiatics in general and Indians in particular on the grounds of their race constitutes a denial of human rights and fundamental freedoms and is contrary to the Charter" and that the Assembly therefore considers that the South African Government "should revise their general policy and their legislative and administrative measures affecting Asiatics in South Africa, so as to bring them into conformity with the

principles and purposes of the Charter, and requests the Union Government to report at the next session of the General Assembly the action taken by them in this behalf”.

In presenting this resolution the Indian representative, Mrs. Pandit, stated that the actions of South Africa against which India complained constituted a violation of the provisions of the Charter which, in its preamble, reaffirmed “faith in fundamental human rights” and expressed a determination “to promote social progress and better standards of life in larger freedom”. It also ran counter to the resolution recently adopted unanimously by the Assembly regarding the abolition of racial and religious persecutions and discrimination.¹

In reply, the South African representative, Field-Marshal Smuts, contended that paragraph 7 of Article 2 of the Charter² provided that (subject to three exceptions) a state, within the domain of its domestic affairs, was not subject to control or interference and its actions could not be called in question by any other state. The first exception was the imposition of sanctions by the Security Council. A second exception was to be found in treaty obligations but the so-called Capetown Agreement of 1927 and the joint communique of 1932 were not instruments giving rise to treaty obligations. A third exception to the rule of domestic jurisdiction might be violations of such elementary human rights and fundamental freedoms as the right to exist, the right to freedom of conscience and freedom of speech and the right of free access to the courts. The Government of South Africa, however, denied that it had in any way infringed any of these elementary human rights.

South Africa therefore proposed that the Assembly should ask the International Court of Justice for an advisory opinion on the

¹This resolution was adopted unanimously by the Assembly on November 19, 1946, without reference to a committee. It reads as follows:

The General Assembly declares that it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination, and calls on the Governments and responsible authorities to conform both to the letter and to the spirit of the Charter of the United Nations, and to take the most prompt and energetic steps to that end.

²Paragraph 7 of Article 2 reads as follows:

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

question whether India's complaint was concerned with matters which, under paragraph 7 of Article 2 of the Charter, were "essentially within the domestic jurisdiction" of South Africa.

The presentation of these two proposals gave rise to a long and, at times, acrimonious debate which lasted for six sessions of the joint committee. It was not surprising that representatives of countries, whose peoples are not Europeans or descended in the main from European stock, took advantage of the debate to make clear their hatred of racial discriminations.

Towards the end of the debate South Africa withdrew its resolution in favour of one introduced by the United States, the United Kingdom and Sweden, and India withdrew its resolution in favour of a resolution introduced by France and Mexico.

The U.S.-U.K.-Swedish resolution read as follows:

The General Assembly

Having taken note of the application made by the Government of India regarding the treatment of Indians in the Union of South Africa and having considered the matter, is of the opinion that, since the jurisdiction of the General Assembly to deal with the matter is in doubt and since the questions involved are consequently of a legal as well as of a factual nature, a decision based on authoritatively declared juridical foundations is the one most likely to promote realization of those purposes of the Charter to the fulfilment of which all Members of the Organization are pledged as well as to secure a lasting and mutually acceptable solution of the complaints which have been made.

The Assembly therefore resolves that

The International Court of Justice is requested to give an advisory opinion on the question whether the matters referred to in the Indian application are, under Article 2, paragraph 7 of the Charter, essentially within the domestic jurisdiction of the Union.

The French-Mexican resolution read as follows:

The General Assembly

Taking note of the application made by the Government of India regarding the treatment of Indians in the Union of South Africa, and having considered the matter:

1. *States* that, because of that treatment, friendly relations between the two Member States have been impaired and, unless a satisfactory settlement is reached, these relations are likely to be further impaired;

2. *Is of the opinion* that the treatment of Indians in the Union should be in conformity with the international obligations under the agreements concluded between the two Governments and the relevant provisions of the Charter;

3. *Therefore requests* the two Governments to report at the next session of the General Assembly the measures adopted to this effect.

In supporting the resolution of the United States, the United Kingdom and Sweden, Field-Marshal Smuts stated that the South African Government had consented to the matter being referred to the International Court. It would agree to that reference being enlarged to include the facts as well as the law. If the Court wished, it could send a commission of enquiry to South Africa so as to establish the true facts in order to arrive at its determination of the law.

The Indian delegation, however, stated that, while it would be prepared to consider a suggestion from Field-Marshal Smuts that the General Assembly appoint a commission to conduct enquiries in South Africa, the Indian delegation was of the opinion that it would be a great mistake to permit the International Court to become involved in political issues.

The joint committee adopted the French-Mexican proposal by twenty-four votes to nineteen (including Canada), with six abstentions.

When the matter came before the Assembly, the U.S.-U.K.-Swedish resolution was moved as an amendment to the French-Mexican proposal. The amendment was rejected by twenty-one votes for (including Canada), thirty-one against, and two abstentions. Of the Latin-American republics, eight voted for the amendment, eleven against, and one abstained. The Western European and Scandinavian countries were divided: Belgium, Denmark, Luxembourg, the Netherlands and Sweden voted for the amendment; France, Iceland and Norway against. The United States and the nations of the British Commonwealth, with the exception of India, voted for the amendment; China, the five Arab states, Iran, India, the U.S.S.R. and the five Eastern European states against.

The French-Mexican proposal was then carried by a vote of thirty-two for, fifteen against (including Canada), and seven abstentions.

The Canadian Position

The Canadian position had been made clear in the statement made by the Canadian representative to the joint committee on November 25, 1946.¹ The statement may be summed up as follows.

The right of the Assembly to discuss and make recommendations for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations is of the utmost importance. This right among many others would be seriously impaired if too great an effect were given to the domestic jurisdiction clause set forth in paragraph 7 of Article 2 of the Charter.

The domestic jurisdiction clause could only, however, be eliminated from the Charter by a formal amendment of the Charter. So long as it remains in the Charter it cannot be disregarded.

Each Member of the United Nations has undertaken under the Charter an unqualified obligation to promote international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. The question before the Assembly, however, is whether the domestic jurisdiction clause precludes the Assembly from intervening in the Indian dispute against South Africa even though it is clear that there is in existence in South Africa legislation under which inhabitants of South Africa are discriminated against on the grounds of their race.

In this issue both the law and the facts are in doubt. Therefore what is obviously required is a proper determination of the facts, an authoritative exposition of the law and a judicial application of the law to the facts so determined.

The United Nations has set up a body, the International Court of Justice, for the express purpose of making such a determination of the facts, such an exposition of the law and such an application of the law to the facts so determined. The Canadian delegation therefore urges that the preliminary question of the jurisdiction of the Assembly to deal with the substance of India's complaint should be referred to the International Court.

¹ The text of the speech is given in Appendix VI, pp. 213-216.

6. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

There are a number of references to human rights and fundamental freedoms in the Charter of the United Nations. The first occurs in the preamble of the Charter, which states:

We, the peoples of the United Nations, determined ... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women ... have resolved to combine our efforts to accomplish these aims.

One of the basic purposes of the United Nations is stated, in Article 1, paragraph 3, to be:

To achieve international co-operation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.

Article 13 provides that:

The General Assembly shall initiate studies and make recommendations for the purpose of ... assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 55 states:

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples, the United Nations shall promote: ... universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Under Article 56 all Members of the U.N. "pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55".

Responsibility for the discharge of the functions of the U.N. set forth in Articles 55 and 56, is, under Article 60, "vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council..." Article 62, paragraph 2, states that the Economic and Social Council "may make recommendations for the purpose of promoting respect for, and observance of, human

rights and fundamental freedoms for all", and Article 68 instructs the Economic and Social Council to set up a Commission "for the promotion of human rights".

Accordingly, the Economic and Social Council on June 21, 1946, established a Commission on Human Rights, and instructed it to submit "proposals, recommendations and reports to the Council regarding:

- (a) an international bill of rights;
- (b) international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters;
- (c) the protection of minorities;
- (d) the prevention of discrimination on grounds of race, sex, language or religion;
- (e) any other matter concerning human rights not covered by items (a), (b), (c) and (d)."¹

The delegation of Panama submitted to the First Session of the General Assembly for consideration the statement of essential human rights which had been drafted in 1943 and 1944 by a committee appointed by the American Law Institute.² This committee was composed of lawyers and political scientists representing most of the principal cultures of the world. Dr. Alfaro, the chairman of the Panamanian delegation to the Assembly, had been a member of this committee. Other members of the committee were: M. Henri Laugier, who is now the Assistant Secretary-General of the U.N. in charge of the department of social affairs; Dr. P. E. Corbett, formerly of McGill University and now of Yale University; Mr. C. Wilfred Jenks, the legal adviser of the I.L.O.; Dr. Rajchman of Poland; Dr. Hu Shih of China; Senor del Vayo of Spain; and Professor Quincy Wright of the University of Chicago.

Since the Economic and Social Council had established a Commission on Human Rights and had instructed that Commission to work on the problem of drafting an international bill of rights, the Assembly decided to refer to this Commission for consideration the statement of essential human rights submitted by the delegation

¹ The text of the resolution of June 21, 1946, establishing the Commission on Human Rights is given in Appendix VII, below, pp. 219 to 221. This appendix also gives the membership of the Commission.

² The text of the statement is given in Appendix VII, pp. 217 to 218.

of Panama. The Assembly expressed the hope that the question would be referred back to it in order that it might be included in the agenda of the 1947 session of the Assembly.¹

There was no convenient opportunity in New York for a statement by the Canadian delegation on the substance of the question of human rights and fundamental freedoms. However, early in 1947, the Secretary of State for External Affairs in an address delivered in Montreal on February 24, 1947, in the presence of Mrs. Roosevelt, president of the Commission on Human Rights, made a statement which can be summarized as follows:

Each Member of the U.N. has, by signing the Charter, contracted, by treaty, a solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of race, sex, language or religion.

Each national government has, in the name of its people, accepted the obligation knowing the difficulties likely to be encountered in honouring it to the full. The Members of the U.N. have pledged themselves to act together in overcoming these difficulties; they have likewise pledged themselves to act separately.

The interest of the Canadian Government in the question is indicated by the announcement made by the government at the opening of the session of Parliament in January 1947 that it intended to propose the establishment of a special committee of both houses of parliament to study the question and to report on the best way of ensuring the complete fulfilment of the obligations in respect of human rights and fundamental freedoms which have been accepted by all the Members of the U.N.

¹ The General Assembly's resolution is given in Appendix VII, page 218. See also the General Assembly's resolution on the abolition of racial and religious persecutions and discrimination, page 60, above, footnote ¹.

7. RIGHTS AND DUTIES OF STATES

The delegation of Panama submitted to the Assembly for consideration a draft declaration of the rights and duties of states.¹ In submitting this draft declaration, Dr. Alfaro, the chairman of the Panamanian delegation, stated that he had attempted to embody in it the cardinal principles of a number of previous drafts. Thus nine of the first ten articles were based on the declaration of the American Institute of International Law published in 1916 or on the Convention of Montevideo on the Rights and Duties of States agreed to in 1933. Ten of the last thirteen articles were based on the ten principles set forth in "The international law of the future" drawn up by a group of North American lawyers in 1942 and 1943.²

The Assembly decided that the Members of the U.N. and national and international bodies concerned with international law should be requested to submit their comments and observations on this draft declaration before June 1, 1947. The draft, together with these comments and observations, will be referred to the committee which has been established by the Assembly to study the methods by which the Assembly should carry out the obligation laid upon it by Article 13 of the Charter to encourage "the progressive development of international law and its codification".³ **The committee will present** a report on the draft declaration to the 1947 session of the Assembly and the matter will be included in the agenda of that session.

¹ The text of the draft declaration is given in Appendix VIII, pp. 222 to 224.

² "The international law of the future". *International Conciliation*, April, 1944.

³ The establishment of this committee is discussed below, p. 139.

8. THE ELECTIONS TO THE SECURITY COUNCIL

It was necessary for the Assembly to elect three members of the Security Council to fill the places of Egypt, Mexico and the Netherlands whose terms expired on December 31, 1946. Retiring members of the Security Council are not eligible for immediate re-election. A two-thirds vote is required for election.

Only one ballot was necessary for the elections. Fifty-four votes were cast. Colombia (51 votes), Syria (45 votes) and Belgium (43 votes) were elected. The leading unsuccessful candidate was India with 13 votes.

Economic and Social Questions

9. THE WORK OF THE ECONOMIC AND SOCIAL COUNCIL

Under Article 55 of the Charter, the U.N. has an obligation to promote:

- (a) higher standards of living, full employment and conditions of economic and social progress and development;
- (b) solutions of international economic, social, health and related problems; and international cultural and educational co-operation; and
- (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

The responsibility for carrying out this obligation is vested, under the authority of the General Assembly, in the Economic and Social Council. The Council consists of eighteen states elected by the Assembly for three-year terms. Canada's term of office expires on December 31, 1948. Members are eligible for immediate re-election.

The creation of the Economic and Social Council as a principal organ of the U.N. to deal with economic and social problems is a reflection of the growing importance of international co-operation in such matters and of the realization that overlapping, and possibly conflicting, policies on the part of the operating agencies can be avoided only if there is a central consultative body to facilitate co-ordination. The need of this kind of body had made itself felt in the League of Nations. Just before the war, a special committee under the chairmanship of Mr. Stanley Bruce of Australia had been appointed to examine the question and had recommended the establishment of a "central committee for economic and social questions" which should be chosen by the League Council and to which all the League committees and commissions working in this field should report.

During 1946 the Economic and Social Council held three sessions: the first during and just after the London meeting of the Assembly, the second in New York in May, and the third in New York in September. The Canadian representative at the first and third

sessions was the Honourable Paul Martin, and at the second session the Honourable Brooke Claxton. At these sessions the Council organized itself and began to deal with urgent economic and social problems.

It elected its officers and agreed upon its rules of procedure, its committee structure and the composition and functions of its commissions and sub-commissions. It negotiated agreements with a number of specialized agencies in order to bring these agencies into relationship with the U.N. The Council also made a beginning in determining its methods of consultation with non-governmental organizations, especially the World Federation of Trade Unions, the American Federation of Labor, the International Cooperative Alliance, and the International Chamber of Commerce.

In order to assist in the repatriation or resettlement of those left homeless by the war, the Council worked out a draft constitution for an international refugee organization which was presented to the General Assembly for further examination. It called an international health conference which drew up a constitution for a world health organization. It established a temporary subcommission which has examined and reported on conditions in the devastated areas of Europe and is now engaged in doing the same for the Far East. It set up a preparatory committee for an international conference on trade and employment which has recently been engaged in almost continuous work.

Nine commissions of the Economic and Social Council were established and began, early in 1947, to get down to work. These nine are: economic and employment, fiscal, human rights, narcotic drugs, population, social, statistical, status of women, transportation and communications. Canada was designated by the Council to appoint members to five of these commissions. The Canadian members are:

Economic and Employment Commission—Mr. J. J. Deutsch,
Narcotic Drugs Commission—Colonel C. H. L. Sharman,
Population Commission—Mr. J. T. Marshall,
Social Commission—Dr. G. F. Davidson,
Statistical Commission—Mr. Herbert Marshall.

The full commissions will set up certain subcommissions with specialized terms of reference. Up to the present time the sub-

commissions established or planned are: one on economic development and one on economic stability and full employment (by the Economic and Employment Commission), one on statistical sampling (by the Statistical Commission), one on freedom of information and the press, and one on prevention of discrimination and protection of minorities (by the Human Rights Commission).

The Council designates for each commission a number of states each of which is entitled to nominate one expert to serve on the commission. Though these experts are nominated by governments, the appointment is subject to the concurrence of the Secretary-General of the U.N. and of the Economic and Social Council. One step further away from direct governmental representation was taken in requesting the Economic and Employment Commission to set up its subcommissions. The members of these subcommissions are to be chosen by the Commission itself, though the consent of the government of which the proposed member is a national must be secured.

Suggestions for international action on economic or social questions are introduced by Members of the U.N. either at the General Assembly or directly into the agenda of the Economic and Social Council. In either case the matter is likely to be channelled through the Economic and Social Council to the appropriate commission of the Council for detailed study at the technical level. Discussion in the commissions may lead to recommendations for the approval of the Economic and Social Council, and eventually of the General Assembly. Some of the recommendations may be concerned with the carrying out of technical services; for example, the Statistical Commission at its first meeting, under the chairmanship of the Canadian member, Mr. Herbert Marshall, recommended the continued publication of three of the statistical reports formerly issued by the Statistical Committee of the League of Nations. The commissions may also advise further study of any given question by special committees or by full scale international conferences. Thus the Statistical Commission has recommended that a world statistical congress be held in Washington in September, 1947.

Recommendations made by the Economic and Social Council and approved by the General Assembly have the same status as all

other resolutions of the U.N. (with the exception of those of the Security Council on sanctions), that is to say, their implementation, in so far as they require action by national governments, is within the discretion of the governments themselves. In some cases the Economic and Social Council may be expected to recommend the drawing up of formal international agreements which would become legally binding on Members of the U.N. after the usual process of acceptance and ratification.

The scope of the work of the U.N. in economic and social collaboration is very much wider than that of the League. Collaboration is being extended to new fields. Collaboration which was previously partial or between a few nations only is being extended to embrace all the Members of the U.N. which are concerned. The result is that the structure of organized intergovernmental co-operation on economic and social questions is more complex today than it was before the war.

The Assembly of the U.N. and the Economic and Social Council are international forums for the discussion of economic and social questions. Discussions during sessions of the Assembly take place at plenary meetings of the Assembly and at meetings of its Social Committee and its Economic Committee, each of which normally appoints a number of sub-committees. The Economic and Social Council meets three times a year. In between its sessions there are meetings of its nine commissions and of their sub-commissions. Special conferences are called by the Council to deal with special questions, usually for the purpose of drawing up a new intergovernmental agreement. The department of economic affairs of the U.N. Secretariat and its department of social affairs provide all these bodies with expert advice.

In addition to these bodies set up under the Charter, there are a rather complex set of international organizations which are specialized and functional and to which large areas of international collaboration have been entrusted. Of these *specialized agencies* there are at present seven and there may soon be twelve. Their names indicate the special economic or social problem with which they are concerned: the International Labour Organization; the Food and Agriculture Organization; the International Monetary

Fund; the International Bank for Reconstruction and Development; the Universal Postal Union; the International Telecommunication Union; the International Civil Aviation Organization; the World Shipping Organization; the World Health Organization; the International Refugee Organization; the International Trade Organization; the United Nations Educational, Scientific and Cultural Organization. Each agency is set up by a separate intergovernmental agreement establishing its own constitutional structure and its own set of member governments in whom final authority over its operations rests. Each will have an assembly representing all its members, a council or executive board and a secretariat. The nature of their operations will differ according to the tasks given them by their constitutions. Most are financed by contributions assessed on their members; but two, the Fund and the Bank, have capital subscribed and will have earnings adequate for their normal expenses.

This great series of organizations, if brought into effective operation, provides for comprehensive and varied attack on those economic and social problems to the solution of which international collaboration can contribute. It provides for greater experiment and initiative than would be possible under a more centralized system. Its range and complexity, however, carry with them certain dangers. Governments may find it difficult to send adequate representatives to all the meetings of the organs of the U.N. and of the specialized agencies, and to prepare adequately for the discussions at those meetings. The costs of running the U.N. and the agencies and of sending representatives to their meetings will be considerable. There may be overlapping between the agencies, inconsistent policies and actions which are not synchronized.

It is one of the major functions of the Economic and Social Council to bring these agencies and their policies and activities into co-ordination. This is not to be done by giving the Council over-riding authority but rather by exchange of information, by reciprocal representation, and special consultation. The Council is obliged to negotiate with these agencies agreements for this purpose. Each agency will be entitled to be represented at meetings of the Council and of those commissions whose work is related to that of the agency. The Council on its part will be entitled to be

represented at the meetings of the agency. Exchange of information, co-ordination of personnel standards, and special consultation will also be provided for. Such agreements have already been negotiated with the I.L.O., F.A.O., U.N.E.S.C.O. and I.C.A.O. In addition, the General Assembly is charged with the responsibility of examining the administrative budgets of the specialized agencies.

It is hoped that by these means specialized agencies and the organs of the U.N. will be acting on a common body of knowledge. Each will be conversant with the steps taken and contemplated by others. Overlapping can be eliminated and inconsistencies in policy can be brought to light. High standards of efficiency and economy in administration can be established; certain fiscal and administrative services may be shared. The Economic and Social Council has no power to direct the policies and activities of the agencies. It can exert strenuous efforts to reach agreement and, in case of conflict, it can bring the situation to the attention of member governments. It is in their hands that the remedy ultimately lies. It is for each national government to see that effect is given to sound recommendations and that its representatives on the governing bodies of various agencies and on the various organs of the U.N. are not pursuing inconsistent or conflicting policies. Co-operation begins at home.

The sections of this report which follow deal with the main economic and social questions which were discussed by the Assembly in New York. An effort has been made to relate the work of the Assembly to that of the Economic and Social Council.

The Canadian representative at a meeting of the Economic and Social Council on June 29, 1946, set forth the general approach of the Canadian Government to the work of that Council. He said:

"In the establishment of the Economic and Social Council, in the setting up of its commissions, in the negotiation of relationships with the special purpose agencies established by intergovernmental agreement, we are opening up a new chapter in the long struggle of mankind to master his environment, to the end that the material and economic resources of the world are used for the enrichment and not the destruction of humanity. Our task is not an easy one. We shall have to overcome not only the internal forces in various countries which resist change, but also the skepticism that we shall encounter in many parts of the world regarding the possibility of success in a co-operative effort of this sort."

10. THE INTERNATIONAL REFUGEE ORGANIZATION

At the first part of the First Session of the Assembly the refugee question was the subject of a long and vigorous debate which revealed a sharp divergence of views on the extent to which aid should be given to people who had been displaced as a result of the war and who refused to return to their places of origin in Eastern Europe.¹ There was, however, majority agreement on four principles: the problem of refugees is an international responsibility; repatriation should be carried out to the fullest extent possible; no genuine refugee should be forced to return to his place of origin against his will; no aid should be extended to war criminals, quislings or traitors. A resolution which embodied this measure of agreement was passed by the Assembly on February 12, 1946. The resolution also referred the question to the Economic and Social Council.²

A further debate took place at the first session of the Economic and Social Council where the general principles adopted by the Assembly were confirmed. The Economic and Social Council established a special committee on refugees and displaced persons, which was directed to carry out promptly a thorough examination of all aspects of the problem and to make a report to the Council at its second session.

Twenty states, including Canada, were named as members of the special committee. The committee met in London in April and spent eight weeks making plans for the creation of a new international body to care for refugees. Canada was represented by Mr. (now Senator) J. G. Turgeon. One of the committee's most important tasks was to estimate the dimensions of the problem. The estimate arrived at by the committee was that there are about 3,000,000 people (excluding nationals of the defeated countries) who

¹Canadian report on the London Assembly (pp. 52-53).

²Canadian report on the London Assembly (pp. 69-70).

are either homeless or away from their homes. Of these, about 1,500,000 are in the Far East. These are Chinese who were taken from their homes by Japanese occupation forces and now wish to be repatriated. The other 1,500,000 are in Europe or the Mediterranean area. About 700,000 of them were refugees before the war; these are German Jews, or German Social Democrats, Spanish Republicans, Nansen refugees—people who are already the charge of some refugee organization. (Many of these persons come within the mandate of the Intergovernmental Committee on Refugees, established at Evian in 1938). This leaves a balance of about 800,000 people who make up the new European refugee problem. They are the present inhabitants of UNRRA camps, or they receive aid from UNRRA in a manner that puts them on the roster of that organization. It was hoped that, during the summer of 1946, many of them would go home, taking advantage of better transport and a new crop year. The flow, however, has been the other way, and present indications are that the figure still remains at about 800,000.

The political issues which emerged during the debates in the special committee revealed clearly the extent to which the refugee question is a cause of international misunderstanding and distrust. The states of origin insisted that the majority of people in displaced persons camps would willingly accept repatriation if they were genuinely free to do so; if they persisted in choosing exile, it was, according to these delegations, because they were being subjected to force, or were being wilfully misinformed about conditions at home.

The response of the Western democracies, including Canada, was based primarily on the principle which had been set forth in the resolution of the Assembly, that political refugees should be assured the right of asylum. From this it followed that no innocent refugee should be forced against his will to return to his place of origin.

It is not surprising, in these circumstances, that the report of the special committee was not a unanimous document. However, a substantial measure of progress was made towards the establishment of a new refugee organization. Unfortunately, this progress was achieved for the most part by majority votes and the minority remained unreconciled to the decisions which had been taken. It

was possible, nevertheless, to produce a draft constitution for an international refugee organization, including a definition of the term "refugee", and this document was submitted to the second session of the Economic and Social Council which met in New York in May, 1946.

Further consideration was given to the problem at this session of the Council and a committee on finances was appointed which met in London in July, under the chairmanship of Senator Turgeon, the Canadian delegate to the special committee, to draft provisional budgetary and financial clauses for the proposed international refugee organization. This committee prepared a provisional budget of \$258,754,000 for the I.R.O. in 1947, made up as follows: \$4,800,000 for administrative expenses; \$193,954,000 for Part I of operational expenses (i.e., for operations other than large-scale resettlement); and \$60,000,000 for Part II of operational expenses (i.e., the estimated cost of resettlement of 100,000 refugees and displaced persons).

These estimates by the committee on finances were considered at the third session of the Economic and Social Council in September 1946. The Council reduced the estimated budget for 1947 by nearly \$100,000,000 to \$160,860,000, and submitted this budget to the General Assembly, together with a draft constitution. The provisional scales of contributions worked out by the committee on finances were passed on by the Council to the General Assembly without comment.

In the Social Committee of the General Assembly discussion of the I.R.O. constitution proved to be even more controversial than it had been on previous occasions. The rejection at previous conferences of the proposals made by the states of origin of refugees did not deter these states from advancing them again in the form of amendments to the draft constitution. These amendments sought in the main:

- (a) to delete all reference to resettlement and re-establishment in the constitution, leaving repatriation as the I.R.O.'s sole function;
- (b) to delete the clauses which safeguarded the principle of voluntary repatriation, the argument of the states of origin being not that repatriation should be compulsory but that those displaced persons who would not accept repatriation should not come within the mandate of the I.R.O.;

- (c) to establish an investigating commission, under the U.N., to check on the screening of war criminals by the occupying military authorities and on the propaganda against repatriation which they alleged was being carried on in the displaced persons camps.

After more than a month of debate, the draft constitution was approved in Committee by a vote of eighteen (including Canada) to five, with many abstentions. While the attempt of the states of origin to exclude resettlement operations from the I.R.O.'s functions was defeated, certain clauses were written into the constitution which will make such operations difficult. Among them is the clause which was passed, over Canada's opposition, putting all contributions for large-scale resettlement operations (as distinct from the resettlement of individuals and family units) on a purely voluntary basis.

The constitution, as adopted by the Social Committee, was then referred to the General Assembly, together with the budgetary and financial provisions for the I.R.O. which had been considered in the Administrative and Budgetary Committee. On December 15 the General Assembly, by a vote of thirty to five with eighteen abstentions, approved the I.R.O. constitution and called on Member states to sign and approve it¹ Canada voted in favour of this resolution. The negative votes were cast by the Soviet Union, Byelorussia, Yugoslavia, the Ukraine and Poland.

Immediately after the Assembly had voted its approval of the I.R.O., the constitution and the interim arrangement for a preparatory commission were opened for signature and Canada (represented by the Honourable Paul Martin) signed both documents on December 16. Canada was the first state to sign and was immediately followed by the United States.

The constitution does not come into effect until it is signed and approved by fifteen states whose total contributions equal at least seventy-five per cent of Part I of the operational budget. This provision was based on a Canadian amendment which was adopted in committee by a large majority. The purpose of the provision is to ensure that the constitution does not come into force until it has really substantial international support. The interim arrangements (establishing the preparatory commission of the I.R.O.) come into effect when they are signed by at least eight states who have also

¹The text of the resolution is given in Appendix IX, pp. 233 to 234.

signed the constitution. More than eight states have now signed the interim arrangements and the first meeting of the preparatory commission has been called to meet in Geneva on February 11, 1947.

The scales of contributions which were adopted by the Administrative and Budgetary Committee, and approved by the General Assembly, call for a contribution by Canada of 3·20 per cent for administrative expenses and 3·50 per cent for Part I operational expenses (i.e., operations other than large-scale resettlement). Similar scales for the United States were, respectively, 39·89 per cent and 45·75 per cent; and, for the United Kingdom, 11·48 per cent and 14·75 per cent.

A figure of \$160,860,500 (U.S.) was approved for the estimated budget for the first year of the I.R.O.'s operations (i.e., 1947). This was made up as follows:

- (a) \$ 4,800,000 (for administrative expenses);
- (b) \$151,060,500 (for Part I operational expenses);
- (c) \$ 5,000,000 to be contributed on a voluntary basis for large-scale resettlement activities.

The Canadian Position

The attitude of the Canadian delegation was set forth clearly in the Canadian statement of November 8 to the Social Committee and in that of December 15 to a plenary meeting of the Assembly.¹ Throughout the debates Canada made every effort to ensure that the new organization, when it was established, would be adequately equipped to perform its functions. Specifically, the Canadian delegation had three main objectives in mind:

- (a) to protect and strengthen those clauses of the constitution which referred to the right of political dissidents to obtain assistance from the I.R.O.;
- (b) to safeguard the clauses concerning resettlement and re-establishment, although recognizing that repatriation would be the primary function of the I.R.O.;
- (c) to press strongly for the adoption of the Canadian amendment which made the entry into force of the constitution conditional on its approval by at least fifteen states whose total contributions to Part I of the operational budget constituted not less than seventy-five per cent.

¹ The text of these speeches is given in Appendix IX, pp. 225 to 232.

In the main, the Canadian delegation was able to achieve these three objectives. Canada was not, however, successful in its proposal that no state should be allowed to approve the constitution with any financial reservations, contributions to large-scale resettlement operations being put on a purely voluntary basis.

11. RELIEF NEEDS AFTER THE TERMINATION OF UNRRA

The General Assembly in New York was faced with the fact that the United Nations Relief and Rehabilitation Administration (UNRRA) would cease to operate towards the beginning of 1947 but that some of the states which had been receiving relief from UNRRA would continue to need help in 1947. At the meeting of the Council of UNRRA, which took place in Geneva in August, 1946, a number of European countries tried to secure the adoption of a resolution acknowledging that relief needs in 1947 would call for some kind of agency like UNRRA. The two countries which had been the largest contributors to UNRRA (the United States and the United Kingdom) were not, however, prepared to accept this. In order to avoid the deadlock which threatened to develop, the Canadian delegation presented a compromise resolution which was adopted by the Council. By this resolution the problem of post-UNRRA relief needs was referred to the General Assembly of the U.N. with a recommendation that consideration be given both to a review of the needs for financing urgent imports of food and other essential relief supplies after the termination of UNRRA programmes and to the means for meeting the needs so determined. Subsequently the Economic and Social Council adopted a resolution requesting the Secretary-General to undertake immediately the preparation of a factual analysis of needs.

The existence of relief needs in 1947 was never seriously contested in the Economic Committee of the Assembly, nor was there any discussion of the amount of relief which would probably be required. The debate in committee and in sub-committee was almost entirely concerned with the method of dealing with such needs as might exist.

The two extreme positions in this matter were clearly stated at the very beginning of the debate. On the one hand, the United States, supported by the United Kingdom, proposed a system of

bilateral relief arrangements with no more provision for international collaboration than an "invitation" to contributing governments to "consult informally" about their respective programmes.

On the other hand, three resolutions were introduced, by Mr. La Guardia (the director-general of UNRRA), by Denmark, and by Brazil, which called for substantial degrees of international control. Mr. La Guardia's plan for an emergency food fund would have called for complete international allocation and control of relief supplies up to the point of their shipment to the receiving governments. The Danish proposal was more detailed but along the same lines. The Brazilian proposal also called for an internationally administered pool of relief supplies.

Canada had been the third largest contributor to UNRRA, both in its share of costs and as a supplier of goods. The Canadian attitude to the establishment of an international relief scheme under the U.N. was made clear in the statement made to the Economic Committee by the Canadian representative on November 16.¹ Though the end of the UNRRA stage in relief had been reached, some international agency for screening the requirements of countries asking for relief and for balancing their competing claims was still needed. This agency should be able to ensure prompt action. In the past two years the great bulk of the load had been carried by a few countries; the time had now been reached when practically every Member of the U.N. should make some contribution to the relief needs of 1947. Despite all the difficulties which had been encountered in the international organization and distribution of relief through UNRRA, Canada favoured an approach to the 1947 problem which would rest on concerted action by the U.N. The Canadian representative concluded with this undertaking: "If a concrete United Nations plan for meeting genuine relief needs in 1947 is adopted by this Assembly and is in fact international in its form and scope, Canada, to the extent that prevailing conditions permit, will participate in its implementation."

It soon became apparent from the debate in the Economic Committee that the majority of the members of the Committee

¹ The text of the statement is given in Appendix X, pp. 234 to 236.

favoured an international relief plan. Nineteen delegations made statements in support of such a plan. Only the Netherlands publicly supported the type of bilateral arrangement proposed by the United States and the United Kingdom. This was not, however, the kind of question which could be settled by counting heads. No relief plan could, in fact, be international if the United States and the United Kingdom, the two principal contributors to UNRRA, did not participate in it.

It was therefore clear that the members of the Economic Committee had to find some compromise solution. In an effort to find such a compromise, Mr. La Guardia withdrew his earlier proposal and put forward in its place a proposal for an international board with only recommendatory powers. He also offered to accept "sight unseen" any plan which Canada might put forward.

The Canadian representative met this challenge by introducing on December 6 amendments to the proposal which had by then been put forward jointly by the United States, the United Kingdom and Brazil. The Canadian amendments provided that a special technical committee of experts should be established by the Assembly to study the minimum import requirements of the basic essentials of life of countries which might be in need of relief, to survey the means available to each to finance such imports, and to report on the amount of financial assistance required by each of these countries.

The Canadian amendments were accepted by the Committee and the United States-United Kingdom-Brazilian resolution, as amended, was passed unanimously by the Committee and later by the Assembly, Yugoslavia alone abstaining.¹

The Assembly designated ten governments each of which should appoint to the technical committee an expert in the field of finance and foreign trade. The ten governments were: Argentina, Brazil, Canada, China, Denmark, France, Poland, the United Kingdom, the United States, and the U.S.S.R.

¹ The text of the resolution is given in Appendix X, pp. 236 to 237.

12. THE INTERNATIONAL CHILDREN'S EMERGENCY FUND

Intimately linked with the problem of post-UNRRA relief was the question of the possibility of the establishment of a special international fund to help children and adolescents in countries which had been victims of aggression during the second world war. UNRRA had been helping these children and adolescents but its help would cease about the middle of 1947.

The UNRRA Council, at its meeting in August, 1946, had resolved that funds remaining after the organization had terminated its mandate should be used for the benefit of children and adolescents in countries victims of aggression. It had appointed a committee, of which Canada was a member, to discuss with the Economic and Social Council the best method of achieving this purpose. As a result of the discussions the Economic and Social Council recommended to the Assembly that it establish an international children's emergency fund.

The Social Committee of the Assembly referred the matter to a sub-committee of twenty-one states on which Canada was represented. This sub-committee held eight meetings and as the result of its work the Assembly adopted unanimously a resolution establishing the International Children's Emergency Fund.¹

The fund is to be used

- (a) for the benefit of children and adolescents of countries which were victims of aggression and to assist in their rehabilitation;
- (b) for the benefit of children and adolescents of countries at present receiving assistance from the United Nations Relief and Rehabilitation Administration;
- (c) for child health purposes generally, giving high priority to the children of countries, victims of aggression.

The Fund is to consist of any assets made available by UNRRA and any voluntary contributions made available by governments, voluntary agencies, individuals or other sources. It is to be

¹ The text of the resolution is given in Appendix XI, pp. 238 to 240.

administered by an Executive Director under policies, including the determination of programmes and allocation of funds, established by an Executive Board in accordance with such principles as may be laid down by the Economic and Social Council and its Social Commission. The Executive Director is to be appointed by the Secretary-General of the U.N. The Executive Board is to consist of one representative from each of twenty-five governments chosen by the Assembly. Canada is one of these. Canada is also a member of the programming committee.

13. THE WORLD SHORTAGE OF CEREALS

The General Assembly on February 14, 1946, at its London meeting, adopted a resolution submitted by the five great powers urging all governments and peoples to take action, both directly and through the international organizations concerned, to conserve supplies of bread grains and rice and to ensure maximum production.¹

The Canadian representative on the Economic Committee at the Assembly in New York introduced a resolution which noted the action already taken pursuant to the Assembly's resolution of February and which urged governments to continue to apply, or to adopt, measures to alleviate shortages in cereals and other essential foodstuffs.

Revisions and amplifications of this proposal came chiefly from four quarters. The Latin American countries were anxious to see included a reference to the necessity of increasing the exports of farm machinery and rationalizing the export markets for primary products. The Greek delegation insisted on including an exhortation to creditor countries to facilitate credit arrangements. The United Kingdom wished to specify exactly the measures for economizing consumption (e.g. high extraction rates) which it felt were essential. The U.S.S.R. produced a resolution which, among other things, admonished the exporting countries not to seek political advantages in the distribution of foodstuffs and condemned *all* price increases as being profitable only to "monopolies and middlemen" and invariably burdensome to "small and medium peasants and farmers." The drafting of an acceptable resolution consequently took a great deal of time. In all, the major part of about fifteen meetings was devoted to this subject. The final resolution was adopted unanimously by the committee and by the General Assembly.²

¹The text of this resolution is given in the Canadian report on the London Assembly, pp. 68-9, and the resolution is discussed on p. 51 of that report.

²The text of this resolution is given in Appendix XII, pp. 241 to 243.

14. THE ECONOMIC RECONSTRUCTION OF DEVASTATED AREAS

The General Assembly in London asked the Economic and Social Council to take up as an urgent matter the question of the reconstruction of devastated areas of Members of the U.N.¹ The Economic and Social Council on June 21, 1946, during its second session, established a temporary sub-commission on the economic reconstruction of devastated areas. Nineteen states, including Canada, were appointed to this sub-commission. The sub-commission met in London during July and August and also visited parts of Europe. Canada was represented by Mr. J. G. Turgeon (now Senator Turgeon). Two working groups were formed, one for Europe and Africa and one for the Far East. The sub-commission's report was presented to the Economic and Social Council at its third session in September 1946. It included general recommendations on food, housing, manpower, coal, electric power, raw materials, machinery, transport, trade and long-term developments. The most important proposal to emerge was a recommendation sponsored jointly by the United Kingdom, the United States and Poland, but not formally adopted by the sub-commission, for the establishment of an economic commission for Europe.

At the Economic and Social Council, the report was strongly supported by the United Kingdom, the United States, Canada and many other countries. Canada gave particularly strong support to the proposal for the establishment of an economic commission for Europe. The U.S.S.R., however, opposed this proposal and criticized the report as a whole for failing to suggest specific short-term plans for the relief and rehabilitation of the devastated areas and for limiting itself to an academic discussion of how the nations of Europe, by planning together and pooling their resources on a co-operative basis, might work out their own economic salvation. The result of dead-

¹The text of the Assembly's resolution is given in the Canadian report on the London Assembly, pp. 70-1.

lock in the Council was the passage of a rather meaningless resolution which, so far as possible, avoided mention of the fact that it was based on the report of the sub-commission.

At the Economic Committee of the Assembly, however, the Soviet Union did not oppose the establishment of an economic commission for Europe. The result was the unanimous adoption by the Assembly of a resolution giving a blessing to the establishment by the Economic and Social Council at its next session of an economic commission for Europe and one for Asia and the Far East. The Assembly also expressed to the International Bank for Reconstruction and Development its opinion that the Bank should come into full effective operation at the earliest possible date so that it might be able, early in 1947, to make the fullest possible contribution towards the needs of economic reconstruction.¹

¹ The text of the resolution is given in Appendix XIII, p. 244.

15. THE WORLD HEALTH ORGANIZATION

By a resolution of February 15, 1946, the Economic and Social Council established a Technical Preparatory Committee of sixteen persons to make preparations for an International Health Conference which should meet by June 20, 1946. The purpose of the Conference was "to consider the scope of, and the appropriate machinery for, international action in the field of public health and proposals for the establishment of a single international health organization of the United Nations." The Conference met in New York from June 19 to July 21, 1946.

As a result of the Conference,

- (a) a constitution establishing a World Health Organization was signed by fifty-one Members of the U.N. and by ten states not Members of the U.N.;
- (b) an interim arrangement establishing an Interim Commission of eighteen members entitled to designate a person to serve on the Commission was signed by the representatives of the sixty-one states; and
- (c) a protocol was signed by the representatives of these states whereby they agreed as between themselves to transfer to the Interim Commission and the Organization (when established) the duties and functions now performed by the Office International d'Hygiene Publique.

On September 16, 1946, the Economic and Social Council unanimously adopted a resolution noting with satisfaction the establishment of the Interim Commission of the World Health Organization and requesting the General Assembly—

- (a) to recommend to all Members the acceptance of the constitution of the World Health Organization;
- (b) to instruct the Secretary-General to take the necessary steps to effect the transfer of the functions and activities of the League of Nations Health Organization to the Interim Health Commission;
- (c) to recommend to Members to accept at the earliest possible date the protocol concerning the Office International d'Hygiene Publique;
- (d) to approve a "grant or loan" of \$300,000 to the Interim Commission for its work until the end of 1946, and to approve the

- inclusion of \$1,000,000 in the 1947 budget of the U.N. for the purpose of "financing through a further grant or loan" the activities of the Interim Commission of the World Health Organization;
- (e) to authorize the Secretary-General to transmit to Members, and those non-Members which were invited to attend the Health Conference as observers, any Assembly recommendations made with respect to sub-paragraphs (a) and (c) above.

This resolution was adopted unanimously by the Social Committee of the Assembly after an amendment had been made substituting the word "loan" for the words "grant or loan". In speeches on the resolution, tributes were paid to the work of Dr. G. B. Chisholm, the executive secretary of the Interim Commission and formerly deputy-minister of the Department of National Health and Welfare of Canada.

Canada has from the beginning been intimately associated with the formation of the World Health Organization. Its representative on the Technical Preparatory Committee, Dr. G. B. Chisholm, was elected rapporteur of that committee. The Canadian delegates to the International Health Conference in New York were the Honourable Brooke Claxton, who was then Minister of National Health and Welfare, and Dr. Chisholm. Following unanimous approval of the House of Commons and Senate, the Government of Canada executed on August 21, 1946, an instrument of acceptance of the constitution of the World Health Organization, and was the first state to deposit such an instrument with the Secretary-General of the U.N.¹

¹Mr. St. Laurent, the Secretary of State for External Affairs, in his statement to the House of Commons of Canada on August 6, 1946, outlined the steps leading up to the signature of the constitution of the World Health Organization and summarized the provisions of that constitution. (House of Commons Debates, Canada, unrevised, August 6, 1946, pp. 4422-4.) The constitution of the World Health Organization will be printed in the Canadian treaty series (Canada, Treaty Series, 1946, No. 32).

16. THE INTERNATIONAL CONTROL OF NARCOTIC DRUGS

The General Assembly at its London meeting instructed the Economic and Social Council to continue the international measures for the control of the illicit trade in narcotic drugs which had previously been organized by the opium section of the League of Nations and by the secretariats of the Permanent Central Opium Board and the Supervisory Body. The Economic and Social Council, at its first session, established a Commission on Narcotic Drugs. Canada was elected to this commission and appointed as its representative, Colonel C. H. L. Sharman.

The Economic and Social Council at its third session held in New York in September, 1946, adopted for presentation to the Assembly a resolution and a draft protocol to transfer to the U.N. the powers formerly exercised by the League of Nations under the various international agreements, conventions and protocols on narcotic drugs. The resolution and protocol were unanimously adopted by the Assembly after minor amendments had been made. The purpose of the protocol was to effect the necessary amendments in the various agreements, conventions and protocols consequent upon the dissolution of the League and the assumption by the U.N. and by the World Health Organization of the functions which the League had formerly performed in respect of narcotic drugs.

The protocol was immediately opened for signature and was signed by Canada on December 11, 1946.

17. INTERNATIONAL CONFERENCE ON FREEDOM OF INFORMATION

The Philippine delegation presented to the Assembly in London a proposal that an international press conference be held in September, 1946. Since this resolution was presented after the deadline for receiving resolutions, the Assembly decided that discussion of it should be postponed until the second part of its First Session.

At New York the Philippine delegation presented for discussion a modified version of its original resolution. As modified, the resolution called for the holding of a conference on freedom of information which would discuss not only the press but radio, motion pictures and other media for disseminating information. The resolution, with a few amendments, was adopted unanimously by the Social Committee and by the Assembly.¹ The Soviet Union abstained from voting in committee.

The resolution instructs the Economic and Social Council to arrange for an international conference on freedom of information to be held before the end of 1947. The conference is to formulate its views on the "rights, obligations and practices which should be included in the concept of freedom of information". All the states which are Members of the U.N. are to be invited to send delegations to the conference and the delegations are to include "persons actually engaged or experienced in press, radio, motion pictures and other media for the dissemination of information".

The United Kingdom representative on the Social Committee submitted the following points for consideration as practical objectives:—

1. To promote the widest and freest possible exchange of incoming and outgoing news, without government censorship in times of peace.
2. To extend to bona fide press, film and radio correspondents, without discrimination, all reasonable facilities to travel and reside

¹The text of the resolution is given in Appendix XIV, p. 245.

in the respective territories of the signatory Governments, with complete freedom to carry on their activities and with equal access to all sources of news.

3. To extend, within their respective territories and without discrimination, the freest and widest possible opportunities for the distribution of news by bona fide news services.
4. To extend access to available communication facilities to bona fide correspondents and news agencies without discrimination as to nationality.

Finally, the United Kingdom representative expressed the hope that the conference would consider the recommendations which had been made by the Court of Honour for journalists at The Hague, and would draw up a code of conduct for journalists and other professional persons engaged in the distribution of news.

The New Zealand representative emphasized that freedom of the press and of other media of obtaining news was linked with the question of proper and honest presentation of the news thus obtained. Unfortunately, media of publicity were often used not to disseminate news, but to disseminate propaganda, which meant that the information, even if obtained in a proper manner, was often distorted. It was, therefore, important that a solution of the problem of presenting true news, as well as obtaining true news, should be found.

The Canadian representative welcomed the resolution submitted by the Philippine delegation. He considered that the suggestions made by the representative of the United Kingdom were worthy of careful consideration. He emphasized that responsibility in reporting must go hand in hand with freedom of information.

The representative of the U.S.S.R. remarked that the first resolution, submitted in London, dealt with proposals for an international press conference only, and considered that, under present conditions, it was not necessary to widen the scope of the conference to include questions of the radio and the films, since special conferences might be necessary to consider those specific problems. The conference should concentrate on matters connected with the press in so far as the press assisted the establishment of international co-operation and understanding, peace and security, according to the principles of the United Nations. The conference should be told that the realization of those principles in its sphere of activity should be its primary aim.

18. THE POLITICAL RIGHTS OF WOMEN

The Danish delegation introduced a resolution under which the Assembly would recommend that all Members, which had not already done so, should grant women the same political rights as men. The Danish draft resolution also contained a recommendation that the Security Council and the General Assembly in dealing with applications from states for membership in the U.N. should "give consideration to the political rights of women in the applicant states".

By the time the draft resolution came up for discussion in the Social Committee, the Political Committee had concluded its discussion of the question of the admission of new Members to the U.N. The Danish representative therefore withdrew the second part of the Danish proposal. The first part was adopted unanimously by the Committee and by the Assembly.¹

¹The text of the resolution is given in Appendix XV, p. 246.

19. THE WORLD FEDERATION OF TRADE UNIONS

The problem of the relations between the U.N., and especially its Economic and Social Council, and non-governmental organizations has been the cause of bitter and prolonged controversy from San Francisco on. The occasion for this controversy has been the demand of the World Federation of Trade Unions that it be accorded a specially favourable position as the representative of the majority of the organized trade unions of the world.

The Dumbarton Oaks proposals provided that specialized agencies established by intergovernmental agreement should be brought into relation with the U.N. by agreements negotiated through the Economic and Social Council. The proposals, however, did not touch on the place of nongovernmental organizations. The consultants to the United States delegation at San Francisco, representing the main organizations in the fields of agriculture, business, education and labour in the United States, suggested that a paragraph be added to the Charter providing for co-ordination and co-operation between non-governmental organizations, national and international, and the Economic and Social Council. This suggestion resulted in a four-power proposal for an addition to the Charter. The Soviet delegation attached particular importance to this proposal. It was adopted and became Article 71 of the Charter, which reads as follows:

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

This provision, however, deliberately gave to the non-governmental organizations a lower place than that accorded to the specialized agencies established by intergovernmental agreement. These were to be brought into "relationship" with the U.N. and the U.N. was given the duty of making recommendations for the co-

ordination of their policies and activities. They might be allowed to participate in the deliberations of the Economic and Social Council and of its Commissions.

When the General Assembly met in London in January 1946 it was faced with a request from the W.F.T.U. which had come into existence in October 1945 that representatives from it be allowed to sit in the General Assembly in a consultative capacity and to collaborate regularly, under the provisions of Article 71 of the Charter, in the work of the Economic and Social Council, in the hope that at a later stage the W.F.T.U.'s representatives would be granted full participation in the work of the Council, including the right to vote. This request precipitated a long debate,¹ the result of which was the adoption by the Assembly of a resolution recommending that the Economic and Social Council should, as soon as possible, make arrangements enabling the W.F.T.U., the International Cooperative Alliance, the American Federation of Labor and other non-governmental organizations, "whose experience the Economic and Social Council may find necessary to use", to collaborate for purposes of consultation with the Council.

The Economic and Social Council received, before the opening of the Assembly in New York, applications for recognition from seventy-four non-governmental organizations. The Council decided that four of these organizations should be given a specially preferred treatment—the World Federation of Trade Unions, the International Co-operative Alliance, the American Federation of Labor, and the International Chamber of Commerce. These four organizations would have the right to send observers to all public meetings of the Council and to circulate written communications to members of the Council. They might be invited by the Council to consult with a standing committee of the Council. Upon the recommendation of a standing committee the Council might receive representatives of the organizations for the purpose of hearing their views.

¹The Canadian report on the London Assembly, (pp. 54-56), summarizes this debate and gives (pp. 74-75) the text of the resolution adopted by the Assembly in London.

The W.F.T.U. on November 12, 1946, addressed a request to the Assembly that two additional privileges be granted by the Council to the W.F.T.U.—the right to submit to the Council questions for insertion in the provisional agenda of the Council, in accordance with the procedure applicable to specialized agencies, and the right to present written and oral communications to the Council on all questions of concern to the W.F.T.U. The Soviet delegation proposed that these requests be granted.

The first request was opposed by the United Kingdom and the United States but was agreed to by the Assembly. The second request was turned down. The vote in Committee on the first request was twenty-two for, fifteen against (including Canada) and two abstentions, and in the Assembly, twenty-five for, twenty-two against (including Canada) and six abstentions. The vote in Committee on the second request was fourteen for, twenty-four against (including Canada) and one abstention, and in the Assembly fifteen for, twenty-eight against (including Canada) and ten abstentions. The Assembly also decided that all four organizations in the preferred category should receive equal treatment in respect of consultative arrangements with the Council.

The attitude of the Canadian delegation was set forth in the statement made by the Canadian representative before the Joint Economic and Social Committee on November 23, 1946.¹ Canada opposed the Soviet resolution on the ground that to give the W.F.T.U. these two privileges would be to treat the W.F.T.U. as well as or better than the specialized agencies and this would be contrary to the express provisions of the Charter. Moreover, "the basic concept underlying the organization of the United Nations and of its constituent bodies is representation on geographic and national lines.... We are not now prepared to change this concept and to take over from the corporative state—from fascism—the principle of representation on the basis of functional or occupational groups". Canada therefore voted against both parts of the Soviet resolution.

¹ The text of this statement is given in Appendix XVI, pp. 247 to 249.

20. OTHER ECONOMIC AND SOCIAL QUESTIONS

The Assembly approved the agreements entered into by the Economic and Social Council with the following specialized agencies in order to bring these agencies into relationship with the U.N.: the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, and the International Civil Aviation Organization, provided that the Aviation Organization complied with the Assembly's decision on Franco Spain.

The Assembly referred to the Economic and Social Council for study the question of providing effective ways and means for furnishing, in co-operation with the specialized agencies, expert advice on the economic, social and cultural fields to Members of the U.N. desiring this assistance. In making this reference the Assembly stated that it recognized that the Members were not all equally developed and that their development was important for the peace and prosperity of the world.

It asked the Economic and Social Council to consider the desirability of holding an international conference of experts on housing and town planning.¹

It drew to the attention of the Members of the U.N. the importance (a) of encouraging and promoting the establishment and co-operation of voluntary National Red Cross and Red Crescent Societies, (b) of respecting in all circumstances the independent voluntary nature of these societies, and (c) of ensuring that in all circumstances contact may be maintained between these societies so as to enable them to carry out their humanitarian task.²

The Assembly authorized the Secretary-General to make provision, with the co-operation of the specialized agencies, where

¹The text of this resolution is given in Appendix XVII, p. 250.

²The text of this resolution is given in Appendix XVIII, p. 251.

appropriate, for the continuance of the urgent and important advisory functions in the field of social welfare carried on by UNRRA and for this purpose the Assembly included the sum of \$670,186 in the budget of the U.N. for 1947.

It authorized the transfer to the U.N. of the non-political functions and activities of the League of Nations, other than those exercised pursuant to international agreements, or entrusted to specialized agencies.

21. THE ELECTIONS TO THE ECONOMIC AND SOCIAL COUNCIL

It was necessary for the Assembly to elect six members of the Economic and Social Council to fill the places of the members whose terms expired on December 31, 1946. The six retiring members were Colombia, Greece, Lebanon, the Ukraine, the United States and Yugoslavia. These members were eligible for re-election. A two-thirds vote is required for election. Under the system of voting adopted by the Assembly, votes on the second and subsequent ballots can be cast only for the countries which were the leading unsuccessful candidates on the preceding ballot. The number of candidates which remain on the second and subsequent ballots is restricted to twice the number of places remaining to be filled.

On the first ballot, the United States (51 votes), Venezuela (46 votes) and New Zealand (44 votes) were elected. The six leading unsuccessful candidates were Lebanon (35 votes), Netherlands (33 votes), Turkey (30 votes), Yugoslavia (27 votes), Byelorussia (25 votes) and Poland (10 votes).

On the second ballot, Lebanon was elected with 41 votes. Since only two places now remained to be filled, the voting on the third ballot was restricted to the Netherlands, Turkey, Byelorussia and Yugoslavia. These states got on the third ballot, 29, 28, 25 and 22 votes, respectively, and on the fourth ballot 29, 28, 28 and 19.

After a two-weeks interval a fifth ballot was held which gave Byelorussia 33 votes, Turkey 26, Netherlands 26, and Yugoslavia 18. On the sixth ballot Byelorussia was elected with 39 votes. On the seventh and eighth ballots, Turkey and the Netherlands were deadlocked for the remaining place, Turkey receiving 25 votes on the seventh ballot and 28 on the eighth, and the Netherlands receiving 24 votes on the seventh and 25 on the eighth. The deadlock was broken three days later by Belgium announcing that it would resign from the Council if the Assembly agreed to elect the Netherlands and Turkey to the two vacancies which would then be open. The Assembly agreed to this.

**Trusteeship Questions and
Non-Self-Governing Territories**

22. TRUSTEESHIP AGREEMENTS

The Charter of the U.N. created the machinery of an international trusteeship system but it neither placed any territories under the trusteeship system nor imposed any obligation on the Members of the U.N. to place territories under the system. It described, however, three categories of territory which states might bring under the trusteeship system—territories held under League of Nations mandate, territories detached from enemy states as a result of the second world war, and other territories.¹

To place any of these territories under the trusteeship system a special agreement is required. The agreement must contain the terms under which the particular territory will be administered, and it must designate the authority which will be responsible for the administration. The terms must be agreed upon by the "states directly concerned", including the mandatory power in the case of mandated territories administered by a Member of the U.N. It must also be approved by the General Assembly in respect of non-strategic areas, or by the Security Council in respect of areas within the territory which may be designated as strategic.

At the General Assembly in London declarations were made by Australia, Belgium, France, New Zealand, and the United Kingdom of their intention to place mandated territories under the trusteeship system. These declarations covered all the territories still under mandate except Palestine (U.K. mandate), South West Africa (South African mandate) and the islands formerly under Japanese mandate now occupied by the United States.

The General Assembly in London welcomed these declarations and invited all states administering mandates to undertake the negotiation of trusteeship agreements, preferably in time for their approval during the second part of the First Session of the Assembly.

¹The discussions at the San Francisco Conference on the establishment of the trusteeship system are summarized in the Canadian report on the San Francisco Conference, pp. 49-53.

On November 6, 1946, the United States Government announced in Washington its intention to submit to the Security Council a trusteeship agreement covering the Pacific islands formerly under Japanese mandate, which would be declared a strategic area. In New York, meanwhile, eight trusteeship agreements were submitted to the Assembly for approval:

<i>Proposed Administering Authority</i>	<i>Territory</i>
Australia	New Guinea
Belgium	Ruanda-Urundi
France	Cameroons under French mandate
France	Togoland under French mandate
New Zealand	Western Samoa
United Kingdom	Tanganyika
United Kingdom	Cameroons under British mandate
United Kingdom	Togoland under British mandate

Apparently because of constitutional difficulties no agreement has been prepared yet for the island of Nauru under British Empire mandate. The island has been administered by Australia under an agreement among the governments of the United Kingdom, Australia and New Zealand. It was included at London among the territories listed for transfer to the trusteeship system.

The agreements presented to the Assembly were subjected to close examination by the Trusteeship Committee, a sub-committee of which considered two hundred and twenty-nine modifications proposed by Byelorussia, China, India, the U.S.S.R., the United States and others. Some of these modifications were accepted voluntarily by the mandatory powers; others were rejected by Committee vote.

Three modifications which the Trusteeship Committee approved were rejected by the mandatory powers. On these points the Committee yielded, since otherwise the agreements would not have come into effect. The first of these modifications would have provided for

¹The discussions of the London Assembly on the trusteeship system are summarized in the Canadian report on the London Assembly, pp. 22-25.

the periodic review and revision of trusteeship agreements after an initial ten-year period. Under the second an administering authority would necessarily surrender all its powers and return to the inhabitants all public assets on the termination of a trusteeship. The third was intended to prevent administration of trust territories "as an integral part" of the territory of the administering authority. This phrase, however, was retained by the majority of the administering authorities as a matter of purely administrative convenience. The United Kingdom and French delegations explained that it did not imply sovereignty of the administering authority in the trust territory, nor was it to be regarded as diminishing the political individuality of the trust territory. Only New Zealand, in the case of Western Samoa, deleted the words to which the Committee took exception.

Among the amendments rejected by the Trusteeship Committee itself was one intended to bar fiscal or customs unions with adjacent territories under the sovereignty or control of the administering authority. It is understood, however, that the right to establish fiscal or customs unions does not imply a right to establish political associations involving annexation or extinguishing the special status of any trust territory. Another rejected amendment, proposed by the United States delegation, would have prevented the creation of private monopolies without prior notice to the Trusteeship Council. The Belgian and United Kingdom delegations declared that their governments would grant private monopolies only when it was essential for a particular type of desirable economic development in the interests of the inhabitants. These would be created for limited periods only and would be reported promptly to the Trusteeship Council.

A question which caused some controversy was the interpretation to be put on Article 84 of the Charter¹, which imposes an obligation

¹Article 84 reads as follows:

"It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory".

on the administering authority "to ensure that the trust territory shall play its part in the maintenance of international peace and security." The mandatory powers assumed that this article implied a right to establish military bases in all trust territories, that is to say not only in strategic areas under the supervision of the Security Council but also in non-strategic areas under the supervision of the Assembly. The Soviet delegation argued, on the contrary, that under Article 83 of the Charter the establishment of any military bases in trust territories required the consent of the Security Council. In sub-committee Canada supported the contention of the mandatory powers and voted with them and the majority to permit the establishment of military bases in non-strategic areas. This decision was upheld in the Assembly by a vote of 34 to 6, with 11 absentions.

Long and fruitless debates took place both at the London Assembly and in New York on the interpretation of Article 79 of the Charter, which provides that "the terms of trusteeship for each territory . . . shall be agreed upon by the *states directly concerned*" but gives no definition of the term "states directly concerned".

Apart from the states which were consulted by the mandatory powers as being "in any event directly concerned" in individual agreements, India claimed formally that it was a "state directly concerned" in the Tanganyika agreement, while the United States and the U.S.S.R. took the position that they had good grounds to be considered as "states directly concerned" in all the agreements. Eventually, on the proposal of the United States delegation, a note was included in the Committee's report to the General Assembly indicating that approval of the trusteeship agreements by the Assembly would not prejudice the issue as to which states were directly concerned within the meaning of Article 79 of the Charter. The Assembly would recognize that no state had waived its right with respect to subsequent agreements or with respect to alteration of the present agreements. The French delegation declared that approval of the trusteeship agreements by the Assembly would constitute recognition that the agreements complied with the conditions of Article 79. The Soviet delegation insisted, on the contrary, that the provisions

of Article 79 had not been complied with, since it had not been determined yet which states were directly concerned. The Trusteeship Committee, however, approved the eight trusteeship agreements by a vote of thirty-five for (including Canada) and eight against.

When the Committee's report was brought before the General Assembly the Soviet delegation moved to reject the eight agreements on the ground that they constituted an infringement of the basic terms of Chapter XII of the Charter in three respects: military bases, the failure to interpret the term "states directly concerned" and the retention of the phrase "as an integral part" of the territory of the administering authority. The Soviet motion was rejected by a vote of six to thirty-four, with eleven abstentions. The states which voted for the Soviet resolution were: Byelorussia, Czechoslovakia, Poland, Ukraine, the U.S.S.R. and Yugoslavia. Those which abstained were Colombia, Ecuador, Egypt, Ethiopia, Guatemala, India, Iran, Iraq, Liberia, the Philippines and Saudi Arabia.

The eight agreements were then approved individually by the Assembly. On six of the agreements the vote was forty-one to six (Byelorussia, Liberia, Poland, Ukraine, U.S.S.R. and Yugoslavia), with five abstentions (Colombia, Czechoslovakia, Ecuador, India and Venezuela). On the other two agreements (the French agreements for Cameroons and Togoland) Poland abstained instead of casting a negative vote. Canada voted with the majority.

23. THE ESTABLISHMENT OF THE TRUSTEESHIP COUNCIL

When the Assembly was asked to elect two states to the Trusteeship Council, Byelorussia, the Ukraine, the U.S.S.R. and Yugoslavia declared that, since the trusteeship agreements were contrary to the Charter, they could not be used as the basis for the creation of the Trusteeship Council. All four delegations therefore refused to participate in the elections to the Council and stated that the elections were irregular.

Forty-seven Members, however, voted in the election. Seven were absent or did not take part. Mexico received thirty-six votes, Iraq thirty-four. Both were declared elected to the Council for three-year terms.

The Trusteeship Council was thus constituted to consist of the states administering trust territories (Australia, Belgium, France, New Zealand and the United Kingdom), the other great powers (China, the U.S.S.R. and the United States) and Iraq and Mexico. The Secretary-General of the U.N. was requested to summon the first meeting of the Council to meet not later than March 15, 1947.

24. THE FUTURE STATUS OF SOUTH WEST AFRICA

During the first part of the First Session of the General Assembly the representative of South Africa had declared that, although the Legislature of South West Africa (a mandated territory) had already asked for incorporation of the territory in the Union of South Africa, there would be no attempt to draft an incorporation agreement until the freely expressed will of both European and native inhabitants had been ascertained. At the New York meeting of the General Assembly a statement was presented by the South African Government on the outcome of the consultations. According to this statement 208,850 of the non-European population favoured the incorporation of their territory in the Union, 33,520 were against it, while 56,790 could not be consulted. The European population had repeatedly asked for incorporation. In view of the freely expressed wishes of the inhabitants the Government of South Africa concluded that the interests of these inhabitants would best be served by the speedy incorporation of South West Africa in the Union of South Africa. The South African representative at the Assembly therefore suggested that the step should be approved by the Assembly.

The South African proposal gave rise to sharp and strongly expressed differences of opinion. Most of the members of the Assembly came to the conclusion that the Assembly ought not to accede to the South African suggestion, but there was much difference of opinion as to the legal and practical reasons for that conclusion and as to the terms in which it should be couched.

After a long debate the question was referred to a sub-committee, whose recommendation for a virtual postponement of the issue the main Committee did not accept. Instead the Trusteeship Committee, by a vote of seventeen to fifteen, recommended that the General

Assembly should pass a resolution which, after declaring that "it is the intention of the Charter that the trusteeship system shall apply to territories now under mandate", would go on to say:

The General Assembly rejects any solution involving the incorporation of the territory of South West Africa, in the Union of South Africa, and recommends that the mandated territory of South West Africa be placed under the international trusteeship system and that the Government of the Union of South Africa be requested to submit for the consideration of the General Assembly a trusteeship agreement for the aforesaid territory.

This resolution was open to objection on several grounds. The statement that it was the intention of the Charter that the trusteeship system should apply to mandated territories was not in accord either with the express terms of the relevant provisions of the Charter or with their history. The Charter, under a "Yalta formula", merely mentioned mandated territories as one of three categories of territory which might be placed under trusteeship. The San Francisco Conference rejected proposals that the Charter should make it obligatory to place certain classes of non-self-governing territories under trusteeship. Moreover, since the effectiveness of any Assembly resolution on the subject would depend on the impression it made on South African public opinion, the use of such a term as "reject" was inappropriate. The Canadian delegation therefore voted against this resolution in Committee.

This did not mean that the Canadian delegation was in favour of the Assembly approving without further enquiry the proposed incorporation of South West Africa in the Union of South Africa. Quite apart from the merits of the particular case, the Canadian delegation felt that it would be extremely dangerous for the Assembly to establish the precedent of accepting as established facts the results of soundings of opinion or plebiscites taken solely under the auspices of interested parties. A precedent of this nature might embarrass the Assembly if it were asked to give its blessing to the annexation of an independent state as the aftermath of a questionable plebiscite.

Similar views were held by many other delegations. As a result, when the resolution which had been passed by the Trusteeship Committee by the narrow margin of seventeen to fifteen was brought before a plenary meeting of the Assembly, a substitute resolution

was introduced by Denmark, India and the United States. In place of the questionable interpretation of the Charter found in the Committee's resolution, there was substituted a correct reference to the actual provisions of the Charter and a reminder of the terms of the unanimously adopted Assembly resolution of February 9, 1946, inviting the placing of all mandated territories under trusteeship.¹ In place of the harsh rejection of the incorporation of South West Africa in the Union, the substitute resolution stated, in terms which while firm were courteous, that the Assembly was "unable to accede to the incorporation".

The substitute resolution was adopted by a vote of thirty-seven to nothing, with nine delegations abstaining and eight members absent. Canada voted with the majority. The nine states which abstained were: Australia, Brazil, France, Greece, the Netherlands, New Zealand, Turkey, the Union of South Africa, and the United Kingdom.²

¹The text of this resolution is given in the Canadian report on the London Assembly, pp. 71-3.

²The text of the resolution is given in Appendix XIX, p. 252.

25. NON-SELF-GOVERNING TERRITORIES

The Charter distinguishes between two groups of non-self-governing territories: territories placed under trusteeship, and all other non-self-governing territories administered by Members. The Members concerned agreed under Chapter XI of the Charter to a declaration of the principles which they would follow in administering non-self-governing territories not under trusteeship. The Charter, however, established no system by which the U.N. would investigate and report on whether these principles were being carried out. It merely imposed on the administering powers the obligation "to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible".¹

Before the Assembly met in New York the Secretary-General wrote to all Members asking them to list the non-self-governing territories subject to their jurisdiction. Canada's reply pointed out that Article 74 of the Charter distinguishes between the territories to which Chapter XI applies and the "metropolitan areas" of Members of the U.N. It seemed clear, therefore, that Chapter XI is not applicable to territories within the metropolitan area of a Member. Canada has no jurisdiction over territories beyond its borders. It is consequently not responsible for the administration of any territory to which Chapter XI applies. At New York there was considerable discussion of the meaning of the term "non-self-governing territories". It was finally agreed not to attempt a definition for the time being, but simply to note the territories already listed by Members as subject to Chapter XI.

Two schools of thought exist among the Members of the U.N. on the interpretation which should be given to the provisions of Chapter XI of the Charter on non-self-governing territories other

¹ Article 73e of the Charter.

than trust territories. Some Members wish to give as extensive an interpretation as possible to the obligations of Members under Chapter XI, and a correspondingly extensive interpretation of the powers and duties of the U.N., thus permitting the Trusteeship Council to assume supervisory functions over all non-self-governing territories.

Other Members of the U.N. insist that the clear intent of the Charter is to make a sharp distinction between trust territories and other non-self-governing territories. Mr. Dulles, the representative of the United States, put this difference as follows at a plenary meeting of the Assembly on December 14, 1946:

"A vital difference [between Chapter XI and Chapter XII of the Charter] is that Chapter XI depends for implementation upon the governments carrying out their pledges. The governments do not, by Chapter XI [as they do by Chapter XII], share their governmental authority with the Assembly Chapter XI, like many other provisions of the Charter, depends at the present time essentially upon the voluntary action of the Member States. The attempt to substitute the authority of the United Nations for the authority of Member States within their own territory will not, in reality, make the Charter more effective. Already there is evidence that the present attempt is creating a disposition on the part of the Member States which made the Chapter XI declaration, to restrict, rather than liberalize, the scope of that declaration."

M. Parodi, the representative of France, at this same meeting of the Assembly, said : "Chapter XI . . . contains a unilateral declaration by a certain number of states, and the Chapter merely confines itself to recording it."

The issue was joined in the Assembly in New York over two resolutions, a resolution on the transmission of information under Article 73e¹ and a resolution on the holding of regional conferences of representatives of non-self-governing territories.²

On the first resolution three main views were held. Some representatives contended that the Secretary-General should merely summarize, analyse and classify the information and include it in his

¹The text of the resolution adopted by the Assembly is given in Appendix XX, pp. 253-255.

²The text of the resolution adopted by the Assembly is given in Appendix XXI, p. 256.

annual report to the Assembly; the Chinese representative urged that the information should be handed over to the Trusteeship Council; other representatives proposed that the Assembly appoint an *ad hoc* committee to review the Secretary-General's summary and analysis.

The final resolution reflected the views of the third group. The General Assembly on December 14 decided to establish an *ad hoc* committee composed of the states submitting information on non-self-governing territories and an equal number of other states. This committee is to meet some weeks before the opening of the Second Session of the Assembly. It is to examine the Secretary-General's summary and analysis of the information with a view to aiding the Assembly in its consideration. The committee will also make recommendations to the Assembly regarding the procedures to be followed in the future and the means of ensuring that the advice, expert knowledge and experience of the specialized agencies are used to the best advantage. The controversial part of this resolution (paragraphs 4, 5 and 6) was adopted by a vote of twenty-eight (including Canada) to fifteen and seven abstentions, and the resolution as a whole was then adopted by a vote of twenty-seven (including Canada) to seven and thirteen absentions.

The composition of the *ad hoc* committee was then decided on as follows:

Members transmitting information—Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom, United States.

Members elected by the Assembly—Brazil, China, Cuba, Egypt, India, Philippines, U.S.S.R., Uruguay.

On the resolution proposing regional conferences of representatives of non-self-governing territories, three main views were held. One group, which included the Soviet Union, wanted the Assembly to recommend to the Economic and Social Council that it, "together with the administrative authorities concerned, organize the convocation of regional conferences of representatives of non-self-governing territories in order to give the peoples of non-self-governing territories the opportunity of expressing their wishes and aspirations". Another group, which included France and the United States, contended that Members did not share their governmental authority with the U.N.

and that the Charter was violated "the moment you speak of approaching administrative authorities", since it was the governments which ought to be approached. This group also objected that the purpose of the regional conferences should not be defined as to give the peoples "the opportunity of expressing their wishes and aspirations", since this right was already enjoyed. A third group, which included the United Kingdom, was willing to accept a compromise permitting the Assembly to recommend to Members which administer non-self-governing territories that *they* convene conferences of representatives of non-self-governing peoples "chosen or preferably elected in such a way that the representation of the peoples will be ensured to the extent that the particular conditions of the territory concerned permit, in order that the letter and spirit of Chapter XI of the Charter may be accomplished and the wishes and aspirations of the non-self-governing peoples may be expressed".

The resolution adopted by the Assembly expressed the views of the third group. The final paragraph was adopted by twenty-three votes (including Canada) to fourteen, with seventeen abstentions. Some delegations opposed the adoption of the paragraph because it did not go far enough; others because it went too far. The whole resolution was adopted by a vote of thirty-one (including Canada) in favour to one against, with twenty-one abstentions.

Administrative and Budgetary Questions

26. THE BUDGETS OF THE U.N. FOR THE FINANCIAL YEARS 1946 AND 1947

Proposed budgets of the U.N. for the financial years¹ 1946 and 1947, the first two years of the existence of the U.N., were submitted to the Assembly by the Secretary-General and were subjected to close scrutiny by the Administrative and Budgetary Committee of the Assembly. Some expenditures proposed by the Secretary-General of the U.N. were deleted from the final budget, and others were reduced. The increases that were made resulted from decisions of the General Assembly. The Members of the U.N., with few exceptions, were convinced that the budgets as passed by the Assembly were modest.

The approach of the Canadian delegation to the question of the budget and the related question of the organization of the Secretariat of the U.N. was similar to that taken by most delegations. It was expressed as follows in the statement made by the chairman of the Canadian delegation on October 29, 1946, in the opening debate of the Assembly:

"The people of my country, in common with the peoples of many other countries, are bearing heavy financial burdens as the result of the war. We are all, I am sure, concerned over the mounting cost of participation in international organizations—the cost not only of direct financial contributions but also the cost of sending full delegations to their meetings. All of us are willing to bear our fair share of the necessary expenditures and all of us are ready to recognize that these expenditures are small as compared to the cost of war. On the other hand, this Assembly must be able to satisfy public opinion throughout the world that the finances of the Organization are being employed in the best interests of the United Nations. We must be assured that the Secretariat possesses the highest standards of efficiency, competence and integrity and that the budgetary and financial administration of the United Nations is beyond reproach."

The Canadian delegation did not advocate the elimination of any necessary expenditure but repeatedly stressed the need for careful scrutiny of proposed expenditures and efficient budgetary and financial administration.

¹The financial year of the U.N. is the calendar year, January 1 to December 31. The budget for the year 1946 included the expenses of the Preparatory Commission of the U.N. which was in existence from the end of the San Francisco Conference to the opening of the First Session of the General Assembly.

The following budgets for 1946 and 1947 were unanimously adopted by the General Assembly:—

FOR FINANCIAL YEAR 1946

Appropriation Section	Purpose of Appropriation	Amount
PART I		
I	For expenses of travel of representatives to the General Assembly and travel of members of Committees and Commissions.....	\$ 885,800
II	For expenses of Personnel Services.....	6,492,979
III	For expenses of Common Services.....	4,238,610
IV	For expenses of establishment of Headquarters and initial recruitment of staff.....	6,143,121
V	For unforeseen expenses.....	250,000
VI	For expenses of the Preparatory Commission and the cost of the first part of the First Session of the General Assembly to 31 January, 1946.....	902,282
Total, Part I.....		<u>\$18,912,792</u>
PART II		
VII	For expenses of the International Court of Justice	320,097
VIII	For expenses of the Registry and Common Services of the International Court of Justice.....	157,111
Total, Part II.....		<u>\$ 477,208</u>
TOTAL, Parts I and II.....		<u>\$19,390,000 (U.S.)</u>

NOTE: Amounts not exceeding the above are to be available for the payment of obligations incurred prior to 1 January, 1947. The Secretary-General may, by written order, transfer credits between Sections within Part I and between Sections within Part II. The Secretary-General is to report to the 1947 Session of the General Assembly all such transfers together with the circumstances relating thereto.

FOR FINANCIAL YEAR 1947

Appropriation Section	Purpose of Appropriation	Amount
PART I		
I	For expenses of travel of representatives to the General Assembly and travel of members of Committees and Commissions.....	\$ 1,090,500
II	For expenses of Personnel Services.....	13,999,223
III	For expenses of contributions to the Staff Provident Fund, Provisional Staff Retirement Scheme, and related benefits.....	2,301,179
IV	For expenses of Common Services.....	5,966,500
V	For expenses of establishment of Headquarters and initial recruitment of staff.....	3,074,000
VI	For expenses of Advisory Social Welfare Functions	670,186
Total, Part I.....		\$27,101,588
PART II		
VII	For expenses of the International Court of Justice	387,894
VIII	For expenses of the Registry and Common Services of the International Court of Justice.	250,518
Total, Part II.....		\$ 638,412
TOTAL, Parts I and II.....		\$27,740,000 (U.S.)
NOTE: Amounts not exceeding the above are to be available for the payment of obligations incurred from 1 January, 1947 to 31 December, 1947. The Secretary-General is to make a primary allotment of the appropriations voted by objects of expenditure; transfers between the primary allotments within Sections are permissible only on the written authority of the Secretary-General.		
The provisional budget for 1946 had been for \$21,500,000 but this was reduced to \$19,390,000. The estimates of the second annual budget for 1947 were \$23,790,008 but the budget approved by the Assembly showed an increase of \$3,949,992 made up as follows.		
	Travel of representatives, etc.....	\$ 300,500
	Staff Provident Fund, etc.....	2,301,179
	Common Services	580,988
	Establishment of Headquarters.....	382,000
	Advisory Social Welfare Functions.....	670,186
		<u>\$ 4,234,853</u>
<i>Less decreases:</i>		
	Personnel services	\$ 65,474
	International Court of Justice.....	219,387
		<u>284,861</u>
	Net increase.....	<u>\$ 3,949,992 (U.S.)</u>

At the first part of its First Session the General Assembly established a working capital fund as a permanent feature of the financial system of the U.N. The purpose of the fund is to finance the U.N. pending the receipt of the annual contributions. Loans may also be advanced from the fund to certain specialized agencies for the purpose of financing their initial operations. The fund was fixed in February, 1946, at \$25,000,000 (U.S.) to cover the estimated expenditure for 1946, the cost of the Preparatory Commission and other expenditures incurred prior to December 31, 1945. After considerable discussion in the Administrative and Budgetary Committee, the General Assembly decided on December 14, 1946, that for 1947 the fund would be fixed at \$20,000,000. Canada favoured a fund of \$25,000,000, but when this was defeated voted for a fund of \$20,000,000. The Assembly also decided that the amounts paid by Members to the working capital fund in 1946 will be set off against the fund for 1947 and any amounts exceeding a Member's contribution to the fund for 1947 will be set off against the Member's annual contributions for 1946 and 1947, in that order. Canada paid \$1,090,500 to the working capital fund for 1946. Canada's contributions to the fund for 1947, based on its scale of contributions to the 1947 budget (3·20 per cent) will be \$640,000. The difference between this sum and \$1,090,500 will be set off against Canada's annual contribution for 1946.

27. SCALE OF CONTRIBUTIONS TO THE BUDGETS

On February 13, 1946, the General Assembly appointed a standing expert Committee on Contributions consisting of ten persons elected by the Assembly. The Committee was instructed to prepare a detailed scheme for the apportionment of expenses among the Members according to their capacity to pay, taking into account comparative estimates of national income and of income per head, the temporary dislocation of national economies arising out of the war and the ability of Members to secure foreign currency; "if a ceiling is imposed on contributions the ceiling should not be such as seriously to obscure the relation between a nation's contributions and its capacity to pay".

The Committee secured the best available estimates of national income and of per capita income but these were not wholly reliable or comparable. Moreover, estimates of national income for post-war years were, of course, not available and the Committee had, in general, to rely on data for the years 1938-1940. Many of the rates of conversion into U.S. dollars and the adjustments for per capita income and for war damage were necessarily rather arbitrary. The Committee found no way of taking into account the influence of difficulties in obtaining foreign exchange. In its report it stated that it had "confined its work to making estimates of relative capacity to pay, recognizing that factors other than capacity to pay including ceiling provisions, which raise political issues, may be discussed by the General Assembly if it so desires".

The Committee recommended a scale of contributions for the years 1946, 1947 and 1948, under which the seven largest contributors would be:

	Per cent
United States	49·89
United Kingdom	10·50
U.S.S.R.	6·00
France	5·50
India	3·75
Canada	3·10
China	2·75

and the six smallest would be—Costa Rica, Haiti, Honduras, Liberia, Nicaragua, and Paraguay, each of which would pay 0·02 per cent or, on the basis of a \$28,000,000 budget, \$5,600.

When this report was submitted to the Administrative and Budgetary Committee of the Assembly, the United States took the position that, as a matter of sound public policy, no nation in an international organization of sovereign equals should, under normal conditions, pay more than one-third of the total cost.

A reduction of the United States contribution from 49·89 per cent to 33·33 per cent would have involved an increase of approximately one-third in the aggregate contributions of all the other Members. If this increase were spread evenly over all the other Members, each of them would have had its percentage contribution increased by a third. Canada, for example, would pay about 4·13 per cent or one-eighth of the United States contribution of 33·33 per cent. Since the population of Canada is only one-twelfth that of the United States and its national income only about one-sixteenth that of the United States, this would be clearly inequitable. It would mean that the average Canadian, whose income is somewhat less than that of the average resident of the United States, would contribute to the cost of the U.N. substantially more than the average resident of the United States.

The Canadian delegation therefore took the position that, if a ceiling was placed on the contribution of the United States, no other state should be called upon to contribute an amount which would result in a higher per capita contribution than that of the United States.¹

The question was referred to a subcommittee consisting of the great powers and Canada, Egypt, Mexico, the Netherlands, Poland and Uruguay. After discussion in subcommittee the United States delegation stated that, while maintaining its position that no nation should under any circumstances pay in normal conditions more than a third of the cost of an international organization of sovereign equals, the United States delegation was prepared to recommend to

¹The text of the statement made by the Canadian representative at the meeting of the Administrative and Budgetary Committee on November 12, 1946, is given in Appendix XXII, pp. 257 and 258.

Congress a contribution of not more than 39·89 per cent to the 1946 and 1947 budgets and to the working capital fund because they recognized that normal post-war economic relations had not yet been restored. The subcommittee accepted this offer and drew up a revised scale of allocations for the years 1946 and 1947. Its report was accepted by the full Committee and, when presented to the Assembly in the form of a resolution was adopted unanimously.¹ Under the scale adopted by the Assembly the contributions of the seven largest contributors for 1947 are:

	Per cent
United States	39·89
United Kingdom	11·48
U.S.S.R.	6·34
China	6·00
France	6·00
India	3·95
Canada	3·20

The contributions of the smallest contributors were increased from 0·02 per cent to 0·04 per cent. Seven states are to pay 0·04 per cent each; seven 0·05 per cent; one 0·06 per cent; two 0·08 per cent.

The allocation of 3·20 per cent to Canada applies to the 1947 budget and the working capital fund. Canada's allocation for 1946 is 3·35 per cent. Thus Canada will be called upon in 1947 to make the following contribution to the U.N.:

1946 contribution, 3·35 per cent of \$19,390,000...	\$ 648,245
1947 contribution, 3·20 per cent of \$27,740,000...	887,680
	<hr/>
	\$1,535,925
Working Capital Fund	
3·20 per cent of \$20,000,000.....	\$ 640,000
Less: amount paid in 1946.....	1,090,500
	<hr/>
	450,000 cr.
	<hr/>
	<u>\$1,085,425 (U.S.)</u>

The expert Committee on Contributions was instructed to review the scale of contributions and present a report to the Second Session of the Assembly in September, 1947. It is hoped that the Assembly will be able to agree on a scale to apply for the years 1948,

¹The text of the resolution which includes the scale of assessment is given in Appendix XXII, pp 259 and 260.

1949 and 1950, so that it will not be necessary to have another debate on the subject until the Session of the Assembly in 1950.

The considerations which the Committee on Contributions should take into account in drawing up a new scale of contributions have not this time been defined by the Assembly. Consequently it is to be expected that the Committee will study not only the United States proposal for a ceiling of $33\frac{1}{3}$ per cent but also the wisdom of establishing a floor more in consonance with the dignity of membership in the U.N. than the present floor of $\frac{1}{25}$ of one per cent. The Committee might also usefully take into account, in arriving at an equitable allocation, not only national income and per capita income, but also such items as national expenditures on armaments and the net expenses of the maintenance of diplomatic services.

28. BUDGETARY AND FINANCIAL RELATIONS OF THE U.N. WITH SPECIALIZED AGENCIES

The problem of how best to secure the greatest possible measure of economy and efficiency of administration in the U.N. and the specialized agencies was discussed by the Administrative and Budgetary Committee. The Secretary-General was asked to explore the matter with the specialized agencies and to make recommendations to the next regular session of the General Assembly. In particular, he was asked to develop at the earliest practicable date arrangements with the specialized agencies for common fiscal controls and common budgetary, administrative and financial practices.

In order that the Assembly may, in September 1947, have before it a comprehensive estimate of the total expenditures of the U.N. and of the specialized agencies, it is hoped that the Secretary-General will be able to append to the U.N. budget for 1948, as informative annexes, the budgets or proposed budgets of the specialized agencies for 1948.

Finally, the Secretary-General is to explore possible arrangements by which the budgets of the specialized agencies might be presented to the General Assembly for approval.¹

¹The text of the resolution is given in Appendix XXIII, p. 261.

29. THE APPOINTMENT OF EXTERNAL AUDITORS

The General Assembly in London decided that the Secretary-General should make recommendations to the Assembly at the second part of its First Session on the scope and method of audit of the accounts of the U.N. and the procedure for the submission of the auditors' report. It further decided that the auditors should be persons not in the service of the U.N.

The Secretary-General's proposals were discussed by the Administrative and Budgetary Committee and revised in the light of suggestions made by the United States and the Soviet Union. The plan was then adopted unanimously by the Committee. It was decided that three persons should be appointed to the Board of Auditors, and the Committee by secret ballot elected the Auditor-General of Canada to serve until June 30, 1950 (36 votes), the Auditor-General of Sweden to serve until June 30, 1949 (29 votes) and the Auditor-General of the Ukraine to serve until June 30, 1948 (18 votes). The Assembly unanimously adopted a resolution embodying the Committee's decision.¹

The three auditors constitute the Board of Auditors. The Board may engage commercial public auditors of international repute. The auditors are instructed to bring to the attention of the Assembly wasteful or improper expenditure of U.N. money or stores, expenditures likely to commit the U.N. to further outlay on a large scale, any defect in the general system or detailed regulations governing the control of receipts and expenditures or of stores and expenditures not in accord with the intention of the Assembly.

The Board's report will be submitted to the General Assembly not later than June 1 following the end of the financial year to which the accounts relate. The Advisory Committee on Administrative and Budgetary Questions will study the report and submit its comments on it to the Assembly.

¹The text of the resolution is given in Appendix XXIV, pp. 262 to 265.

30. ELECTIONS TO STANDING FINANCIAL COMMITTEES

The Advisory Committee on Administrative and Budgetary Questions and the Committee on Contributions are the two special permanent committees of the Assembly. They are elected by the Assembly and consist of persons, not states. The first consists of nine members, the second of ten. The members are elected for three-year terms.

The Advisory Committee is responsible for submitting to the General Assembly at the beginning of each regular session a detailed report on the budget proposed by the Secretary-General for the next financial year and a detailed report on the accounts of the last financial year. It is also responsible for examining, on behalf of the General Assembly, the administrative budgets of specialized agencies and proposals for financial and budgetary arrangements between the U.N. and these agencies.

The members of the Advisory Committee were elected by the Assembly in New York for terms of one, two or three years commencing January 1, 1947:

Name	State	Votes	Term
Mr. D. C. Stone.....	U.S.A.	43	3 years
Sir William Matthews.....	U.K.	41	3 years
Mr. V. I. Kabushko.....	U.S.S.R.	34	2 years
Mr. O. Machado.....	Brazil	33	3 years
Mr. T. Aghnides.....	Greece	33	2 years
Mr. C. L. Hsia.....	China	27	2 years
Mr. A. Ganem.....	France	26	1 year
Mr. S. K. Kirpalani.....	India	26	1 year
Sr. G. M. Cabanas.....	Mexico	23	1 year

The Committee on Contributions is responsible for advising the Assembly on the scale of the financial contributions of the Members of the U.N. to the budgets of the U.N. and on appeals by Members for a change of assessment.

The Assembly in London had elected the members of this Committee but the terms of office of three members expired on December 31, 1946. The Assembly in New York therefore elected three members to fill the vacancies. The present membership of the Committee is:

Name	State	Term
Mr. K. V. Dzung.....	China	3 years
M. Jan Papanek.....	Czechoslovakia	3 years
Mr. James E. Webb.....	U.S.A.	3 years
Mr. J. P. Brigden.....	Australia	2 years
Dr. Martinez Cabanas.....	Mexico	2 years
Mr. Seymour Jacklin.....	South Africa	2 years
Mr. Nicolai Orlov.....	U.S.S.R.	2 years
M. M. Baumont.....	France	1 year
Sir Cecil Kisch.....	U.K.	1 year
Sayid Nedim el Pachachi...	Iraq	1 year

31. THE SECRETARIAT

The establishment and maintenance of an efficient and loyal international secretariat is essential to the success of the U.N. Basic principles were agreed upon in San Francisco and incorporated in the Charter of the U.N.¹ The problems involved in the practical application of these principles are many, diverse and difficult. These were examined with great care over a period of four months by the Executive Committee and the Preparatory Commission of the United Nations which met in London from August to December, 1945. The conclusions of the Preparatory Commission were embodied in detailed recommendations and suggestions which were adopted with minor changes by the Assembly at its London meeting.²

In accordance with resolutions adopted at the London meeting of the Assembly, the Secretary-General presented to the Assembly in New York reports on the organization and work of the Secretariat, the selection and training of staff, the establishment of an international civil service commission, an administrative tribunal, and a staff retirement scheme.

The Administrative and Budgetary Committee discussed at some length the reports on the organization and work of the Secretariat and on the selection and training of staff. A considerable

¹See Canadian report on the San Francisco Conference, pp. 58-60. Article 100 of the Charter reads as follows:

"1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities."

Paragraph 3 of Article 101 reads as follows:

"3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible."

²See Canadian report on the London Assembly, pp. 28-33.

number of the higher officials of the Secretariat appeared before the Committee for questioning. It became apparent that many members of the Committee were concerned over various phases of the operations of the Secretariat: Had strenuous enough efforts been made to maintain the highest possible standards in recruitment of staff? Was not the number of United States citizens in the Secretariat unduly high? Had the specialization of work not been carried to excess? Were certain branches of the Secretariat not over-staffed? However, it was recognized that the Secretary-General had had to recruit a staff quickly and that it would be wise to put off until the Second Session of the Assembly the framing of detailed constructive recommendations on how the Secretary-General may best ensure strict adherence to the principles set forth in the Charter.

The Assembly, by a resolution adopted in London on February 13, 1946, had decided that an international civil service commission should be established by the Secretary-General, after consultation with the heads of the specialized agencies, to advise on the methods of recruitment for the Secretariat, and on the means by which common standards of recruitment in the Secretariat and in the specialized agencies might be secured. The Secretary-General reported that exploratory conversations had taken place but that the general view of the specialized agencies was that more extensive experience with international recruiting would provide a firmer basis for planning and establishing an international civil service commission. The Secretary-General stated that he proposed to set up a group composed of four personnel specialists and of five representatives of specialized agencies to make recommendations to him. It is therefore to be expected that a report on this subject will be put before the Second Session of the Assembly in September, 1947.

Similarly no final action was taken on the report of an advisory committee, set up by the Secretary-General in accordance with a resolution of the Assembly of February 13, 1946, which had submitted a draft statute of a United Nations administrative tribunal. This tribunal would deal with questions of the interpretation of the contract of a member of the Secretariat and with the claims of officials for non-observance of their contract. After extended discus-

sion in Committee, the question was referred back to the Secretary-General for further study. It will come up again at the Second Session of the Assembly.

The Assembly did, however, adopt provisional regulations for a United Nations joint staff pension scheme which would apply to all regular full-time members of the Secretariats both of the U.N. and of such specialized agencies as agreed to come under the scheme. The scheme was adopted on the condition that it should be regarded as provisional during its first year and should be open to complete review at the Second Session of the Assembly. Any amendments which may be made at the Second Session will apply to all the participants in the scheme even though they were participants before the amendments were adopted.

The Assembly's resolution on the U.N. pension scheme included a request that each Member Government, pending the conclusion of a formal agreement with the U.N., take steps to preserve the existing pension rights of its national civil servants who accept posts as members of the staff of the Secretariat.

The difficult problem of the exemption of officials of the Secretariat from national income tax on the salaries and allowances which they receive from the U.N. had been discussed at length at the London meeting of the Assembly. The conclusion reached was that "there is no alternative to the proposition that exemption from national taxation for salaries and allowances paid by the Organization is indispensable to the achievement of equity among its Members and equality among its personnel". Pending the taking of action by Members, the Secretary-General had been authorized to reimburse staff members who had to pay national income tax.

The Assembly in New York requested Members to take early action to exempt from national taxation salaries and allowances paid out of the budget of the U.N. The Advisory Committee on Administrative and Budgetary Questions was asked to study the question of establishing a "staff contributions plan" to take the place of national taxation. This Committee may request the Secretary-General to submit new proposals on this subject to the Second Session.

Legal Questions

32. THE DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW

Much of the time of the principal sub-committee of the Legal Committee was taken up with a study of the manner in which the General Assembly could best implement its obligation, under Article 13 (1) (a) of the Charter, to "initiate studies and make recommendations for the progressive development of international law and its codification". The United States had asked that this item be placed on the agenda of the Assembly. The Canadian delegation took an active part in the framing of the resolution which was eventually adopted.

The sub-committee agreed that a considered and comprehensive report on the methods which might suitably be adopted in implementing this obligation should be made available to the General Assembly before it formulated any definite plan for the progressive development of international law and its codification. It was further agreed that "international law", as it appears in Article 13 (1) (a) of the Charter, is not necessarily restricted to "public international law", and that a study should be made of existing projects and of the methods followed by official and unofficial bodies interested in the development and codification of both public and private international law. It was agreed, moreover, that the Assembly should appoint a committee, "genuinely representative of the main forms of civilization and of the principal legal systems of the world", to consider and report to the next regular session of the Assembly on these methods.

The recommendations of the sub-committee were adopted unanimously by the Legal Committee and by the Assembly.¹ The seventeen Members appointed to the Committee on Codification were: Argentina, Australia, Brazil, China, Colombia, Egypt, France, India, the Netherlands, Panama, Poland, Sweden, the United Kingdom, the United States, the U.S.S.R., Yugoslavia and Venezuela.

¹The text of the General Assembly's resolution of December 11, 1946, is given in Appendix XXV, p. 266.

33. THE CHARTER OF THE NUREMBERG TRIBUNAL

There was placed on the agenda of the General Assembly, at the instance of the United States delegation, an item concerning the Nuremberg trials. On the recommendation of the Legal Committee, the General Assembly took note of the agreement to establish an international military tribunal for the prosecution and punishment of the major war criminals of the European Axis (signed at London, August 8, 1945), and of the annexed charter. It also took note of the fact that similar principles were recognized in the charter of the international military tribunal for the major war criminals in the Far East (proclaimed at Tokyo, January 19, 1946). The Assembly affirmed the principles of international law recognized by the charter of the Nuremberg tribunal and by the judgment of the tribunal, and directed the Assembly's Committee on Codification (referred to above) to give priority to plans for the formulation, in the context, of a general code of offences against the peace and security of mankind, or of an international criminal code, of the principles recognized in the charter and judgment of the Nuremberg tribunal.

The resolution adopted by the General Assembly was thus of a twofold character.¹ While the first part of the resolution, which affirmed the principles of international law contained in the charter of the Nuremberg tribunal, was adopted by a virtually unanimous vote, the delegations of the U.S.S.R., Byelorussia, the Ukraine and Yugoslavia strongly resisted the second part of the resolution, which contemplated the formulation of these principles in the context of an international criminal code. The Soviet delegation, in particular, insisted that the time was not ripe for any attempt at the codification of international law, and in particular of the Nuremberg principles, although no objection was voiced to preliminary consideration being given to ways and means of codification. The general opinion of the Assembly, however, including that of the Canadian delegation, was that the Nuremberg principles should be reduced to a codified form as soon as possible, while the judges and lawyers who participated in the trial were still available for counsel and guidance.

¹The text of this resolution is given in Appendix XXVI, p. 267.

34. THE CRIME OF GENOCIDE

The delegations of Cuba, India and Panama submitted a draft resolution drawing the attention of the Economic and Social Council to the crime of "genocide" and inviting the Council to study this problem and to report on the possibility of declaring genocide an international crime. This draft resolution was fully debated in the Legal Committee and a number of amendments were proposed by various delegations. A sub-committee (with Mr. E. Gajardo, of Chile, as chairman and Mr. Charles Fahy, of the United States, as rapporteur) was accordingly appointed to draft a resolution acceptable to the Committee.

The sub-committee's report was adopted unanimously by the Legal Committee and by the General Assembly. The resolution¹ recites that genocide is a denial of the right of existence of entire human groups in the same way as homicide is the denial of the right of existence of individual human beings, and that many instances have occurred where racial, religious, political and other groups have been destroyed entirely or in part. The Assembly accordingly affirmed that genocide is an international crime condemned by the civilized world for which principals and accomplices, whether private individuals, public officials or statesmen, regardless of the ground upon which it is committed, are punishable. The resolution also invites Members to enact the necessary legislation for the prevention and punishment of this crime and requests the Economic and Social Council to undertake studies with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the Assembly.

During the discussions in the sub-committee, a question arose as to whether or not the responsibility of states, as distinguished from individuals, should be mentioned in the resolution. Also discussed was a proposal made by the Polish delegation concerning the dissemination of hatred against national, racial or religious groups as a step preparatory to the crime of genocide. It was agreed, however, that these matters could be left for consideration in connection with whatever draft convention or studies were made under the resolution.

¹The text of the resolution is given in Appendix XXVII, p. 268.

35. THE REGISTRATION AND PUBLICATION OF TREATIES

The General Assembly on February 10, 1946, instructed the Secretary-General to submit proposals for detailed regulations and other measures to give effect to Article 102 of the Charter, which requires all treaties and international agreements entered into by Members of the U.N. since the coming into force of the Charter to be registered with the U.N. Secretariat and published by it.¹ By the same resolution, the Secretary-General was instructed to invite Members to transmit to him, for filing and publication, treaties and international agreements, entered into before the coming into force of the Charter, which were not included in the League of Nations Treaty Series. He was also invited to receive, for filing and publication, treaties and international agreements voluntarily transmitted by non-Member governments which were entered into before or after the coming into force of the Charter and which were not included in the League of Nations Treaty Series.

Pursuant to this resolution, the Secretary-General prepared draft regulations which were submitted to the Legal Committee for consideration. The Legal Committee referred the draft regulations to a sub-committee, delegations not represented on the sub-committee being invited to submit written proposals for the improvement of the regulations. The chairman of this sub-committee was Dr. Frede Castberg of Norway, and its rapporteur, Mr. E. R. Hopkins of Canada.

In settling the terms of the regulations, the subcommittee considered it essential to provide for the orderly registration (or filing) and publication of treaties and international agreements and

¹Article 102 reads as follows:

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

for the maintenance of precise records on their status. It also thought it desirable to adhere closely both to the Charter and to the General Assembly's resolution of February 10, 1946; in particular to the distinction drawn in the resolution between *registration* (applicable only to treaties and international agreements subject to Article 102) and *filing* (applicable to the other treaties and international agreements covered by the regulations). The subcommittee also agreed that no attempt should be made at this time to define in detail the kinds of treaty or agreement requiring registration under the Charter, it being recognized that experience and practice would in themselves aid in giving definition to the terms of the Charter.

During the discussions the subcommittee took the position that registration is effected by the act of one of the parties and not by any action taken by the Secretariat, and also that a treaty comes into force when, by agreement, it is applied provisionally by two or more parties. With respect to treaties and agreements received from non-Member states for filing and recording, the sub-committee considered it proper to include a proviso designed to make it clear that these arrangements do not extend to Franco Spain.

The conclusions of the subcommittee were embodied in a resolution approving a set of regulations. This resolution was adopted unanimously by the Legal Committee and by the Assembly.¹

¹The text of the resolution and of the regulations is given in Appendix XXVIII, pp. 269 to 274.

36. THE OFFICIAL EMBLEM OF THE U.N.

The design which until the second part of the First Session had been used in practice as the emblem of the U.N. consisted of a "mappemonde" inscribed in a wreath of olive branches. This emblem was criticized in some quarters in that the map did not include certain countries and in that, as projected, it gave undue prominence to the North American continent. The General Assembly accepted an alternative design, recommended by the Legal Committee, which met these points of criticism. This corrected design was technically described in the report of the Legal Committee as—

A map of the world representing an azimuthal equidistant projection centered on the North Pole, inscribed in a wreath consisting of crossed conventionalized branches of olive tree; in gold on a field of smoke-blue with all water areas in white.

The General Assembly adopted this design as the emblem and distinctive sign of the U.N., and authorized its use as the official seal of the U.N. Members were asked to take legislative or other appropriate action to prevent the unauthorized use, in particular for commercial purposes, of the emblem, the official seal, and the name of the United Nations and of abbreviations of that name through the use of its initial letters.¹

¹The text of the resolution and a reproduction of the emblem is given in Appendix XXIX, p. 275.

37. THE INTERNATIONAL COURT OF JUSTICE

The question of the terms upon which Switzerland, having indicated a desire to do so, might become a party to the Statute of the International Court of Justice was discussed by the Assembly. By Article 93 (2) of the Charter, the General Assembly determines, on the recommendation of the Security Council, the conditions upon which a state not a Member of the U.N. may become a party to the Statute. In this instance, the General Assembly, on the recommendation of the Security Council and the Legal Committee, required that Switzerland deposit with the Secretary-General an instrument, duly ratified in accordance with Swiss constitutional law, containing:

- (a) an acceptance of the provisions of the Statute of the Court;
- (b) an acceptance of all the obligations of a Member of the U.N. under Article 94 of the Charter (concerning compliance with the decisions of the Court);
- (c) an undertaking to contribute to the expenses of the Court such equitable amount as the Assembly may determine after consultation with the Swiss Government.

A second item affecting the Court turned on the meaning of the word "meeting" as it appears in Articles 11 and 12 of the Statute of the Court. Article 8 of the Statute provides that the General Assembly and the Security Council shall proceed "independently of one another" to elect the members of the Court. Article 11 provides that if, after the first "meeting" held for this purpose, one or more vacancies remained to be filled, a second, and if necessary a third, "meeting" will be held for the purpose. Article 12 adds that if three "meetings" do not result in the filling of all vacancies, a joint conference between three representatives of the Assembly and three representatives of the Security Council will proceed to fill the vacancies by majority vote.

Differences of opinion arose at the London session of the Assembly as to the meaning of the word "meeting", some delegates holding the view that a meeting must be regarded as concluded as soon as the first ballot is taken. To resolve these differences, the General Assembly, on the recommendation of the Legal Committee,

adopted a new provisional rule of procedure for the Assembly, designed to make it clear that any "meeting" held by the Assembly under Articles 11 and 12 of the Statute is deemed to continue (with as many adjournments as necessary) until as many candidates as are required to fill all the vacancies have received an absolute majority of votes. This was the League of Nations practice and was regarded by the Legal Committee as in accordance with the letter and spirit of the Charter. However, since the Security Council was also concerned, the adoption of the new rule was made conditional on the adoption of a corresponding rule by the Security Council.

At one stage the United Kingdom delegation had recommended that this question be referred to the International Court itself for an advisory opinion. However, since there was no disagreement within the Legal Committee as to the meaning of the word, and as the matter was essentially one of procedure, the Legal Committee did not regard it as necessary or desirable to ask the Court for an advisory opinion.

Article 96 of the Charter authorizes the General Assembly and the Security Council to request the International Court to give an advisory opinion "on any legal question". The same article empowers the Assembly to authorize other organs of the U.N. and the specialized agencies to request advisory opinions of the Court on "legal questions arising within the scope of their activities". Under this Article the Assembly, on the recommendation of the Legal Committee, unanimously adopted a resolution authorizing the Economic and Social Council to seek the advice of the Court. The Legal Committee also advised the Economic and Social Committees, at their request, that there was no legal obstacle to including in the agreements concluded between the Economic and Social Council and the specialized agencies clauses conferring on the agencies a right of referring legal problems to the Court. As a result the Assembly approved the inclusion of these clauses in the agreements with the specialized agencies.

It was the consensus, within the Legal Committee, that this action would have the effect of extending and strengthening the rule of law in international affairs, and that the Council and the agencies

would make good use of the right of reference. The action taken was strongly supported by the Canadian representative, and was in line with the introductory address of the Chairman of the Canadian delegation and with the position taken by Canada at meetings of the Economic and Social Council.

38. THE TERMS OF OFFICE OF MEMBERS OF COUNCILS

The General Assembly unanimously agreed, on the recommendation of the Legal Committee, that the terms of office of the non-permanent members of the Councils should be from January 1 to December 31 in the appropriate year. The Provisional Rules of Procedure of the Assembly were amended accordingly. It was recognized that this change would mean a loss of several days' tenure of office on the part of Members elected to the Security Council and the Economic and Social Council on January 12 or 14, 1946. However, it was felt that the terms of office should be regularized as soon as possible on the basis of the calendar year, and it was noted that the maxim "*de minimis non curat lex*" was common to most legal systems.

39. THE PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATIONS

The privileges and immunities to be accorded by Members to international organizations and their staffs were considered by the Legal Committee and the General Assembly in four aspects: the general convention on the privileges and immunities of the U.N., the position of the International Court of Justice, the arrangements concluded with the Swiss Federal Council in respect of the privileges of the U.N. in Switzerland (including the agreement with the Swiss Confederation in respect of the Ariana site), and the draft agreement between the U.N. and the United States made necessary by virtue of the decision to establish the seat of the U.N. in the United States.

The Secretary-General reported that, while several Members had indicated that authority was being sought to enable them to accede to the general convention on the privileges and immunities of the U.N.,¹ only one Member, the United Kingdom, had as yet actually acceded. The General Assembly noted this report and adopted a resolution inviting Members to accede to the convention as soon as possible, and recommending that until Members had acceded they should follow as closely as possible the provisions of the general convention. (It is provided in the convention that before an instrument of accession is deposited by a Member, that Member should be in a position under its domestic law to give effect to the terms of the convention, so that legislation has to precede accession.)

The Legal Committee also considered the privileges and immunities required by the International Court of Justice for the proper discharge of its functions. The Secretary-General, by an Assembly resolution of February 13, 1946, had been charged with the duty of considering the problem and of making recommendations to the Assembly. The Legal Committee examined the report of the Secretary-General, which was prepared with the assistance of the judges and registrar of the Court. The Committee's views, which were incorporated in a resolution of the General Assembly, include

¹The text of the convention is given in the Canadian report on the London Assembly, pp. 79-85.

a recommendation that the members and registrar of the Court should enjoy every facility to enter and leave any country where the Court is sitting, a recommendation that officials should enjoy in any country where they may be on the business of the Court such privileges, immunities and facilities as may be necessary for the independent exercise of their functions and a recommendation that Members of the U.N. should recognize the U.N. *laissez-passer* issued by the Court to its members and registrar.

The Legal Committee also considered the Secretary-General's report on negotiations with the Swiss Federal Council which contained interim arrangements on the privileges and immunities of the U.N. in Switzerland and an agreement on the Ariana site. These instruments were drawn up by the Swiss Federal Council and the Negotiating Committee of the U.N. and came into force on July 1, 1946. The Secretary-General's report also contained a review of later discussions and the text of two letters from the head of the political department of the Swiss Federal Council, dealing with the interim arrangements and with radio facilities for the U.N. The Legal Committee expressed the hope that assurances concerning the transfer to the U.N. of wave-lengths previously registered for *Radio-Nations* would be received shortly from the Swiss authorities. On this basis, the General Assembly approved the arrangements already concluded with the Swiss Federal Council.

The General Assembly in London had adopted, as a basis for discussion in negotiations with the United States, a draft convention between the U.N. and the United States setting forth the facilities, privileges and immunities to be granted to the U.N. by the United States as a result of the choice of the United States as the site of the U.N. The Assembly had also appointed a committee to negotiate the convention with the United States.

The report of this negotiating committee envisaged the establishment of the permanent headquarters in a rural site. Its recommendations therefore required revision in the light of the Assembly's decision of December 14, 1946, to establish the headquarters in New York City. Under these circumstances, the Assembly authorized the Secretary-General to negotiate an agreement with the appropriate authorities of the United States of America concerning the arrange-

ments required as the result of establishing the headquarters in New York, the Secretary-General to be guided in principle by the recommendations of the negotiating committee. He was also authorized, pending the conclusion of the agreement, to determine in consultation with the United States authorities, on a provisional basis, the privileges, immunities and facilities required for the U.N.

Other Questions

40. THE HEADQUARTERS OF THE UNITED NATIONS

The General Assembly in London in February, 1946, decided that the permanent headquarters of the U.N. should be established in the North Stamford-Greenwich area near New York City and appointed a Headquarters Commission of nine members to recommend specific locations of varying sizes in that area.¹ The Commission recommended five areas, all in Westchester County (New York).

This recommendation was submitted by the Assembly in New York to a special Headquarters Committee on which each of the Members of the U.N. was represented. The United States representative proposed that the Committee should consider not only the five sites recommended by the Commission but also other sites in the area of New York or of San Francisco Bay provided that these sites were offered without cost or at reasonable cost. The United Kingdom representative proposed that Boston and Philadelphia be included as well as New York and San Francisco Bay. Both proposals were agreed to.

A sub-committee was appointed to visit the sites which had been offered in or near the four cities of Boston, New York, Philadelphia and San Francisco. The sub-committee recommended as of equal merit the Belmont-Roxborough site in Philadelphia and the Presidio in San Francisco. Its third choice was the White Plains-Harrison site in Westchester County.

Discussion in the Headquarters Committee showed that a large group of delegations favoured the Presidio site. They were opposed by an equally large group who wanted a site in the east mainly because a site in the east would be closer to the capitals of a majority of the Members of the U.N. The U.S.S.R. was especially strongly opposed to the choice of a site in San Francisco.

On December 9, 1946, the United States representative urged that the decision should be deferred for a year in view of pending new offers of sites in New York and Boston. The proposal was

¹See Canadian report on the London Assembly, pp. 39-41

attacked by the Soviet, United Kingdom and other representatives. The Canadian representative intervened to urge that due consideration be given to the views of the United States delegation in view of the delicate position of that country as host to the United Nations.

On December 10, at the next meeting, the United States representative announced that an offer had been received from Mr. John D. Rockefeller of the sum of \$8,500,000. with which to purchase a site adjoining the East River in Manhattan. This offer was subject to certain conditions, one of which was that the City of New York donate the parcels of land necessary to round out the site, as well as the intervening streets. The proposed site is an area bounded by First Avenue, East 48th Street, the East River and East 42nd Street. The Committee recommended that this offer be accepted. The vote was thirty-three to seven. Canada voted in favour. Those opposed were the Arab states, Australia and India.

By a vote of forty-six to seven, on December 14, the General Assembly adopted a resolution accepting Mr. Rockefeller's offer. The resolution requested the Secretary-General to prepare plans and recommendations for the development of the site and to submit a report to Members by July 1, 1947, for consideration at the regular session of the General Assembly in 1947. An advisory committee of eighteen (including Canada) was appointed to assist the Secretary-General in this task. The Right Honourable C. D. Howe has been named as the Canadian representative on this committee.

A board of design consultants has also been appointed to assist Mr. Wallace K. Harrison, the Director of Planning. The board consists of ten architects from Australia, Belgium, Brazil, Canada, China, France, Sweden, the U.S.S.R., the United Kingdom, and Uruguay. The Canadian member is Mr. Ernest J. Cormier of Montreal.

41. THE ELECTION OF OFFICERS OF COMMITTEES

Canada took a leading part in insisting, at the meetings of the Executive Committee and the Preparatory Commission in London in 1945, on the necessity of securing officers of Assembly committees who possessed the highest standards of efficiency, competence and integrity. The Canadian delegation laid particular emphasis on the importance of selecting chairmen of committees who would be able to conduct meetings expeditiously and well; the real work of the Assembly would be done mainly in committees, and the authority of the Assembly would therefore depend, in large measure, upon the competence and impartiality of committee chairmen.

Canada believed that the establishment by the Assembly of a nominations committee would best ensure the selection of first-class chairmen for the main committees, while at the same time maintaining the principle of equitable geographical distribution of those posts which carried with them membership on the General (or Steering) Committee of the Assembly. The proposal of the majority of the Executive Committee that such a nominations committee be established was, however, rejected by the Preparatory Commission. The result was that, at the London meeting of the Assembly, the five great powers acted, in effect, as an informal nominations committee, by agreeing among themselves on slates of officers which were adopted by acclamation. This informal nominations committee had all the disadvantages of a formal committee and none of its merits.

The paramount importance of securing first-class chairmen of the main committees was amply demonstrated at the First Session of the Assembly. M. Spaak, the president of the Assembly, was a model of everything which an Assembly president should be but some of the chairmen of committees fell far short of the standard which he established. This led to confusion in debate and wasted the time of committees.

The officers of the committees had been elected in London to serve for the whole of the First Session. The only elections which were necessary in New York were to posts which had become vacant.

Though it is persons who are elected as officers of committees and not states, certain delegations in New York assumed that a state inherits a "right of succession" to an office. If the chairmanship of a certain committee had been held in London by a Ruritanian who was not attending the New York meeting, then it was, in their opinion, obvious that a Ruritanian should be elected to serve the unexpired portion of his fellow citizen's term of office. This made nonsense of the doctrine embodied in the rules of procedure of the Assembly that officers of committees should be elected on the basis not only of "equitable geographical distribution" but also of "experience and personal competence".

Canada, therefore, when the issue arose in New York, reiterated the position which it had taken in London, but it had to acquiesce in some committees in the acceptance, in part, of the doctrine of succession. However, in the Legal Committee it was possible for the Canadian delegation to carry its point. A Canadian (Mr. J. E. Read, now Mr. Justice Read), had been elected as rapporteur of this committee in London. He was later elected a member of the International Court. It was therefore necessary, in New York, to elect a new rapporteur. The Canadian representative nominated a brilliant non-Canadian for this post (Professor K. H. Bailey, Solicitor-General of Australia), and Mr. Bailey was elected unanimously.

42. MEASURES TO ECONOMIZE THE TIME OF THE ASSEMBLY

On September 24, 1946, about a month before the second part of the First Session opened, the Secretary of State for External Affairs of Canada wrote to the Secretary-General of the U.N., requesting that there be placed on the agenda of the Assembly an item entitled "measures to economize the time of the General Assembly".¹ In his letter he emphasized the importance of the Assembly reforming its practices and rules of procedure in order to ensure that its sessions would not be unnecessarily protracted. The General Assembly should set an example to all other international conferences by the efficient and expeditious conduct of its business. He expressed the hope of the Canadian Government that the Assembly would set up, as early as possible in its proceedings, a committee of about fifteen states to consider and make recommendations on measures which the Assembly might adopt to economize the time of future sessions.

Instead of establishing such an ad hoc committee the Assembly decided to refer the matter to a subcommittee of the General Assembly. This subcommittee, owing to the pressure of other work on its members, was unfortunately unable to devote sufficient time to the problem to warrant its making detailed recommendations to the Assembly. The General Assembly therefore decided to appoint a committee on procedures and organization which would meet a week before the opening of the second session of the Assembly in September, 1947, and which would present to the Assembly at the beginning of its session recommendations for economizing the time of the Assembly and for revising the provisional rules of procedure.² This committee consists of fifteen states. Canada is a member.

It is hoped that the General Assembly will adopt provisionally, at the very outset of its Second Session, the recommendations made

¹The text of this letter is given in Appendix XXX, pp. 275 and 276.

²The text of this resolution is given in Appendix XXX, pp. 278 and 279.

by this committee so that they can be tried out during the Second Session and, if found acceptable, incorporated in the rules of procedure of the Assembly.

On the face of it this question may seem to be a procedural matter of no great importance. It is possible, however, that the appointment by the Assembly of a committee on procedures and organization may turn out to be a very constructive step. It is of the utmost importance that the time of the Assembly should not be wasted. If experience should show that much of the time of representatives to the Assembly is wasted it will become increasingly difficult for the Members of the U.N. to send adequate delegations to sessions of the Assembly. The kind of representatives and advisers who are needed at the Assembly are persons whose services are needed at home to help solve pressing domestic problems and to deal at home with problems of foreign policy. The time of these men is precious. It is not in the general interest that it be wasted. The problem is not merely one of unnecessary protraction of Assembly meetings. There is the much more important problem of how to use efficiently the time at the disposal of the Assembly.

It is not a question of whether or not one is in favour of freedom of discussion. The basis of democracy in international as in domestic politics is freedom of competition between different political ideas. But, in a deliberative body like the Assembly, unrestricted liberty of discussion cannot be attained without running the risk that the whole international deliberative process will be stultified and brought into contempt. Each member of the Assembly has the right to express its views fully but no member ought to exercise this right in a way which will destroy the rights of other members.

It is, moreover, unrealistic to contend that the Assembly has to choose between unrestricted freedom of discussion and a system of closure. Experience has demonstrated that an international conference which begins with unrestricted freedom of discussion ends by operating under the most rigid rules for limiting the length and number of speeches.

The sessions of the General Assembly should not necessarily be brief. They should last as long as is necessary for the Assembly to do its work. But they should be no longer than is necessary.

Sessions of the Assembly could clearly be shortened by eliminating unnecessary debates on procedure and unnecessary repetition of arguments, by the careful drafting of resolutions and conventions submitted to the Assembly for approval, and by recognizing that, in electing the chairmen of committees, the paramount consideration must be the necessity of securing the highest standards of efficiency, competence and integrity.

The Canadian delegation pressed its views strongly in the Assembly. It followed up the Canadian letter of September 24, 1946, with a memorandum setting forth twenty-three specific suggestions for economizing the time of the Assembly.¹ Before the resolution establishing the committee on procedures and organization was put to the vote, the Canadian representative hammered the main points of this memorandum home in a speech in the final plenary meeting of the Assembly.² He urged all the Members of the U.N. to forward to the Secretary-General their suggestions for reforms in the practices and rules of procedure of the Assembly. He concluded by saying: "The streamlining of the General Assembly is a question of common concern to all the Members of the United Nations. All of us wish to see the General Assembly operate with dignity as well as with despatch."

¹A/BUR/69 of November 29, 1946.

²The text of this statement is given in Appendix XXX, pp. 276 to 278.

Appendices

APPENDIX I

THE CANADIAN APPROACH

Statement by the Chairman of the Canadian Delegation in the Opening Debate in the General Assembly, October 29, 1946

Canada welcomes the forthright way in which the Secretary-General and various delegations have brought to the attention of this Assembly the failure of the United Nations to make more rapid progress in implementing some of the major undertakings of the San Francisco Charter. The public in our countries is conscious of these shortcomings and we feel it is well that we should admit them. The United Nations, sixteen months after the signature of the Charter, is still, and is apt to continue after many more months to be, on trial. Its interests will not be served by concealing any disappointment caused by its operations.

Canada is glad that attention has been drawn in this Assembly to what the United Nations has been able to accomplish. These accomplishments are impressive. But it is more important that this Assembly take steps to remedy the shortcomings of the United Nations than derive too great satisfaction from what we have been able to accomplish.

We are particularly concerned that the Security Council and the Military Staff Committee have so far failed to make substantial progress towards a conclusion of the special agreements with individual Members required to implement Articles 43 and those following of the Charter and thus make armed forces and other facilities available to the Security Council. We are all of us bound under the Charter to refrain from using armed forces except as provided by the Charter. The Government and people of Canada are anxious to know what armed forces, in common with other Members of the United Nations, Canada should maintain as our share of the burden of putting world force behind world law.

It is only when the special agreements with the Council have been concluded that we will be able to determine how large a proportion of the total annual production of our country can properly be devoted to improving the living conditions of the Canadian people.

Canada therefore urges that the Security Council and the Military Staff Committee go ahead with all possible speed in the constructive work of negotiating the special agreements and of organizing the military and economic measures of enforcement. It appears to us that it would be in the interest of all Members of the United Nations to see the Security Council equipped and ready in fact to enforce proper decisions for the maintenance of world peace and also to see serious consideration given to the reduction of national armaments so that the productive capacity of the world thus conserved may be used for improving the living conditions of all peoples.

The President of the United States in his memorable speech to this Assembly urged that the Members of the United Nations should use the Security Council "as a means for promoting settlement of disputes as well as for airing them". The Security Council has not so far given the impression that it was taking positive action to promote the peaceful settlement of disputes.

We agree that now is not the time to try to amend the Charter. But we also say that now is the time for the Assembly to make practical recommendations on how, within the framework of the Charter as it is, the Security Council can more effectively discharge the vital functions so confidently entrusted to it by all the Members of the United Nations.

This Assembly will be required to give a practical interpretation of some of the most important provisions of the Charter. In establishing these precedents, it is necessary to remember that it is a constitution which we are interpreting and not a domestic statute. I venture to suggest that the Charter, to be successful, must be interpreted in such a way as to encourage its growth and adaptation to changing circumstances. The peoples of the United Nations have the right to expect that, wherever the meaning of a provision of the Charter is doubtful, this Assembly will interpret it in the way best calculated to strengthen the authority and prestige of the United Nations. We would like to see provisions which add to the authority of the United Nations or of its organs and officers broadly interpreted and those which detract from the authority of the United Nations given a restrictive interpretation.

There cannot be lasting peace in the absence of a system of international order based upon justice and regulated by law. We must strive to fortify the juridical functions of the United Nations. Acceptance by all Members of the compulsory jurisdiction of the International Court of Justice with a minimum of reservations would be a step in this direction. I trust we will all agree that the obligation of the Assembly under Article 13 of the Charter to encourage "the progressive development of international law and its codification" should be implemented as soon as possible. The Canadian delegation welcomes the United States request that this matter be discussed.

The people of my country, in common with the peoples of many other countries, are bearing heavy financial burdens as the result of the war. We are all, I am sure, concerned over the mounting cost of participation in international organizations—the cost not only of direct financial contributions but also the cost of sending full delegations to their meetings. All of us are willing to bear our fair share of the necessary expenditures and all of us readily recognize that these expenditures are small as compared to the cost of war. On the other hand, this Assembly must be able to satisfy public opinion throughout the world that the finances of the Organization are being employed in the best interests of the United Nations. We must be assured that the Secretariat possesses the highest standards of efficiency, competence and integrity and that the budgetary and financial administration of the United Nations is beyond reproach.

We must also take every possible precaution against the unnecessary multiplication of international organizations, conferences, councils and commissions. Our delegation has observed with satisfaction that the

Secretary General in his oral report to the Assembly drew attention to the fact that the larger the number of specialized agencies the greater will be the financial burden on member governments and the greater will be the danger of overlapping and duplication with a consequent wasteful diversion of effort and of resources.

Wasteful diversion also results from unnecessary prolongation of international meetings in terms of their accomplishment. This imposes unnecessary burdens not only on the international organizations concerned but also on the national governments and their delegations. Canada has accordingly requested that the Assembly set up without delay a committee to make specific recommendations to it at this session on measures to economize the time of future sessions.

The Canadian delegation, representing all major political parties in my country, desires to associate itself with the declaration made by the President of the United States: The people of Canada, as well as the people of the United States, look upon the United Nations not as a temporary expedient but as a permanent partnership—a partnership among the peoples of the world for their common peace and common well-being. My own Prime Minister, speaking at a plenary session a few months ago at the Paris Conference, said “Years of war have surely taught us that no man liveth to himself, and that no nation liveth to itself. We are all members one of another”.

Each state represented here has its own ideals, its own standards, its own ways of life. Differences of outlook are therefore inevitable. It is what we do about these differences that is crucial. Attempts to exploit them to the advantage of any nation or group of nations can accomplish nothing wholesome or constructive. Let us beware of recrimination, of charge and counter-charge. Let us, with good-will, patience and forbearance, pursue the course which leads to resolution and not exploitation of differences. Let us proceed with the business of this Assembly, all of us determined to work together in the interests of peace and understanding among the nations. In this way alone can we produce a record of accomplishment worthy of the respect of all the peoples of a united world.

APPENDIX II

DISARMAMENT

A. Soviet Proposal, October 29, 1946

(As Revised November 29 and December 4, 1946.)

1. With a view to strengthening peace and international security in conformity with the aims and principles of the United Nations, the General Assembly recognizes the necessity of a general reduction of armaments. (October 29, 1946).

2. The implementing of the decision concerning the reduction of armaments should include as primary object the prohibition to produce and use atomic energy for military purposes. (October 29, 1946).

3. To ensure the adoption of measures for the reduction of armaments and prohibition of the use of atomic energy for military purposes, there shall be established within the framework of the Security Council, which has the primary responsibility for international peace and security, international control operating on the basis of a special provision which should provide for the establishment of special organs of inspection for which purpose there shall be formed:

(a) A Commission for the control of the execution of the decision regarding the reduction of armaments;

(b) A Commission for the control of the execution of the decision regarding the prohibition of the use of atomic energy for military purposes. (November 26, 1946)

4. The General Assembly deems it necessary that all States Members of the United Nations Organization should submit information regarding all their armed forces and armaments, this information to be submitted when the Security Council will consider the proposals for general reduction of armaments. (December 4, 1946).

5. The General Assembly recommends that the Security Council should ensure the effective implementing of the principles laid down in Paragraphs 1, 2, 3 and 4 above. (Oct. 29, 1946).

6. The General Assembly appeals to the Governments of all the States to give to the Security Council all the assistance necessary to enable it to discharge its responsibilities arising out of this task, the achievement of which lies within the scope of its mission to establish an enduring peace and maintain international security. This task is also in the interest of the peoples who would be released from the heavy economic burden caused by the excessive expenditure on armaments which do not correspond to peaceful post-war conditions. (October 29, 1946).

B. Canadian Working Paper, November 4, 1946

POSSIBLE AMENDMENT OF THE SOVIET PROPOSAL ON DISARMAMENT

1. In the interests of consolidating international peace and security and in conformity with the Purposes and Principles of the United Nations, the General Assembly considers a general regulation and reduction of armaments necessary.

2. As an essential step towards a general regulation and reduction of armaments, the General Assembly recommends to the Security Council that the Security Council, without further delay, negotiate with Members of the United Nations under Article 43 of the Charter the special agreements making available to the Security Council on its call the armed forces, assistance and facilities necessary for the purpose of maintaining international peace and security.

3. As an essential step towards the urgent objective of eliminating from national armaments atomic weapons and all other major weapons adaptable to mass destruction, the General Assembly urges the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in Section 5 of the General Assembly Resolution of January 17, 1946.

4. A system for the general regulation and reduction of armaments must be based on an international treaty or convention on the limitation of armaments. This treaty or convention should provide two safeguards for complying states against the hazards of violation and evasion: one, international responsibility with effective guarantees for the loyal execution of the treaty or convention; and two, sanctions against states violating essential provisions of the treaty or convention.

5. In order to provide complying states with effective guarantees for the loyal execution of the treaty or convention, it should provide for the establishment of a Permanent International Commission of Control with the power to carry out investigations on the spot in the event of reasonable suspicion of a breach of the treaty or convention and of subsequent supplementary agreements on the reduction and limitation of armaments, and to appoint for this purpose special commissions of enquiry.

6. The General Assembly recommends to the Security Council that the Security Council formulate, with the assistance of the Military Staff Committee, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments as is provided for in Article 26 of the Charter so that an international treaty or convention on disarmament may be concluded as soon as possible.

7. The General Assembly calls upon the governments of all states to render every possible assistance to the Security Council, the Military Staff Committee and the Atomic Energy Commission in their pursuit of the objectives set forth in this Resolution, confident that the attainment of these objectives would contribute greatly to the establishment of stable

international peace and security and further serve the interests of all the peoples of the United Nations by lightening the heavy economic burden imposed on them by excessive expenditures for armaments which are not compatible with peaceful post-war conditions.

C. Canadian Proposal, November 28, 1946

1. With a view to strengthening international peace and security in conformity with the Purposes and Principles of the United Nations, the General Assembly recognizes the necessity of an early and general regulation and reduction of armaments.

2. The General Assembly recommends to the Security Council that, as the first step towards a general regulation and reduction of armaments, the Security Council, without further delay, proceed to negotiate with Members of the United Nations under Article 43 of the Charter the special agreements making available to the Security Council on its call the armed forces and other assistance and facilities necessary for the purpose of maintaining international peace and security.

3. In order that atomic weapons and all other major weapons adaptable to mass destruction shall be eliminated from national armaments at the earliest possible date, the General Assembly urges the expeditious fulfilment by the Atomic Energy Commission of its task under the terms of reference set forth in Section 5 of the General Assembly Resolution of 24 January, 1946, by which the Commission is required to proceed with the utmost despatch and to make the following specific proposals:

- (a) for extending between all nations the exchange of basic scientific information for peaceful ends;
- (b) for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;
- (c) for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction;
- (d) for effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

4. The General Assembly recommends a system for the general regulation and reduction of armaments based on a treaty or convention accepted by virtually all states and providing for effective international safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. It further recommends that there be set up, under the treaty or convention, a Permanent International Commission of Control with power to make such investigations, including the appointment of permanent inspectors and special commissions of enquiry, as it may deem necessary to satisfy itself that no breach of the treaty or convention and of subsequent supplementary agreements on the regulation and reduction of armaments is taking place.

5. To the end that an international treaty or convention on disarmament may be concluded as soon as possible, the General Assembly recommends to the Security Council that, with the assistance of the Military

Staff Committee, it submit plans at the earliest practicable date to the Members of the United Nations for the establishment of a system for the regulation of armaments as is provided for in Article 26 of the Charter.

6. The General Assembly, being confident that the attainment of these objectives would contribute greatly to the establishment of enduring peace and the maintenance of international security, and being convinced that it would make possible a rise in the standards of living of all the peoples of the United Nations by lightening the heavy economic burden imposed on them by excessive expenditures for national armaments which do not correspond to peaceful postwar conditions, calls upon the governments of all states to render every possible assistance to the Security Council, the Military Staff Committee and the Atomic Energy Commission to enable them to attain speedily the objectives set forth in this Resolution.

D. United States Proposal, November 30, 1946

1. With a view to strengthening international peace and security in conformity with the purposes and principles of the United Nations, the General Assembly recognizes the necessity of an early general regulation and reduction of armaments. Accordingly, the General Assembly recommends that the Security Council give prompt consideration to working out the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments pursuant to international treaties and agreements and to assure that such regulation and reduction will be generally observed by all participants and not unilaterally by only some of the participants.

2. The General Assembly recognizes that essential to the general regulation and reduction of armaments is the early establishment of international control of atomic energy and other modern technological discoveries to ensure their use only for peaceful purposes. Accordingly, in order to ensure that the general regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons the General Assembly recommends that the Security Council give first consideration to the report which the Atomic Energy Commission will make to the Security Council before December 31, 1946, and facilitate the progress of the work of that Commission.

3. The General Assembly further recognizes that essential to the general regulation and reduction of armaments is the provision of practical and effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. Accordingly the General Assembly recommends to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and other limitation or regulation of armaments.

4. The General Assembly calls upon the governments of all states to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment of international peace and collective security with the least diversion for armaments of the world's human and economic resources.

E. Draft Resolution Submitted by the Drafting Group, December 11, 1946

1. With a view to strengthening international peace and security in conformity with the purposes and principles of the United Nations, the General Assembly recognizes the necessity of an early general regulation and reduction of armaments and armed forces. Accordingly, the General Assembly recommends that the Security Council give prompt consideration to formulating the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments and forces and to assure that such regulation and reduction of armaments and forces will be generally observed by all participants and not unilaterally by only some of the participants. The plans formulated by the Security Council shall be submitted to the States Members for ratification in accordance with Article 26 of the Charter.

2. As an essential step towards the urgent objective of eliminating from national armaments atomic and all other major weapons adaptable to mass destruction, and the early establishment of international control of atomic energy and other modern scientific discoveries and technical developments to insure their use only for peaceful purposes, the General Assembly urges the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in Section 5 of the General Assembly Resolution of January 24, 1946. In order to ensure that the general prohibition, regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons, the General Assembly recommends that the Security Council expedite consideration of the reports which the Atomic Energy Commission will make to the Security Council and that it facilitate the work of that Commission, and also that the Security Council expedite consideration of a draft convention or conventions for the creation of an international system of control and inspection, these conventions to include the prohibition of atomic and all other major weapons adaptable now or in the future to mass destruction.

3. The General Assembly further recognizes that essential to the general regulation and reduction of armaments is the provision of practical and effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. Accordingly the General Assembly recommends to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and other limitation or regulation of armaments.

To ensure the adoption of measures for the reduction of armaments and armed forces and prohibition of the use of atomic energy for military purposes and of other major weapons adaptable now or in the future to mass destruction there shall be established within the framework of the Security Council, who bear the main responsibility for peace and security, an international system, as mentioned at the end of Paragraph 2, operating through special organs, which organs shall derive their powers and status from the convention or conventions under which they are established.

4. The General Assembly, regarding the problem of security as closely connected with that of disarmament, recommends the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter. It recommends the Governments to undertake the progressive and balanced withdrawal, taking account of the needs of occupation, of their forces stationed in ex-enemy territories, and the withdrawal without delay of forces stationed in the territories of Member States without their consent freely and publicly expressed in treaties or agreements consistent with the Charter and not contradicting international agreements. It further recommends a corresponding reduction of national armed forces, and a general progressive and balanced reduction of these national armed forces.

5. The General Assembly calls upon the governments of all states to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment of international peace and collective security with the least diversion for armaments of the world's human and economic resources.

F. Resolution of the Assembly, December 14, 1946

PRINCIPLES GOVERNING THE GENERAL REGULATION AND REDUCTION OF ARMAMENTS

1. In pursuance of Article 11 of the Charter and with a view to strengthening international peace and security in conformity with the Purposes and Principles of the United Nations,

The General Assembly,

Recognizes the necessity of an early general regulation and reduction of armaments and armed forces.

2. *Accordingly,*

The General Assembly,

Recommends that the Security Council give prompt consideration to formulating the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments and armed forces and to assure that such regulation and reduction of armaments and armed forces will be generally observed by all participants and not unilaterally by only some of the participants. The plans formulated by the Security Council shall be submitted by the Secretary-General to the Members of the United Nations for consideration at a special session of the General Assembly. The treaties or conventions approved by the General Assembly shall be submitted to the signatory States for ratification in accordance with Article 26 of the Charter.

3. As an essential step towards the urgent objective of prohibiting and eliminating from national armaments atomic and all other major weapons adaptable now and in the future to mass destruction, and the early establishment of international control of atomic energy and other modern scientific discoveries and technical developments to ensure their use only for peaceful purposes,

The General Assembly,

Urges the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in section 5 of the General Assembly resolution of 24 January 1946.

4. In order to ensure that the general prohibition, regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons,

The General Assembly,

Recommends that the Security Council expedite consideration of the reports which the Atomic Energy Commission will make to the Security Council and that it facilitate the work of that Commission, and also that the Security Council expedite consideration of a draft convention or conventions for the creation of an international system of control and inspection, these conventions to include the prohibition of atomic and all other major weapons adaptable now and in the future to mass destruction and the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes.

5. *The General Assembly,*

Further recognizes that essential to the general regulation and reduction of armaments and armed forces, is the provision of practical and effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions.

Accordingly,

The General Assembly,

Recommends to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and the general regulation and reduction of armaments.

6. To ensure the adoption of measures for the early general regulation and reduction of armaments and armed forces, for the prohibition of the use of atomic energy for military purposes and the elimination from national armaments of atomic and all other major weapons adaptable now or in the future to mass destruction, and for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes,

There shall be established, within the framework of the Security Council, which bears the primary responsibility for the maintenance of international peace and security, an international system as mentioned in paragraph 4, operating through special organs, which organs shall derive their powers and status from the convention or conventions under which they are established.

7. *The General Assembly,*

regarding the problem of security as closely connected with that of disarmament,

Recommends the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter;

Recommends the Members to undertake the progressive and balanced withdrawal, taking into account the needs of occupation, of their armed forces stationed in ex-enemy territories, and the withdrawal without delay of armed forces stationed in the territories of Members without their consent freely and publicly expressed in treaties or agreements consistent with the Charter and not contradicting international agreements;

Further recommends a corresponding reduction of national armed forces, and a general progressive and balanced reduction of national armed forces.

8. Nothing herein contained shall alter or limit the resolution of the General Assembly passed on 24 January 1946, creating the Atomic Energy Commission.

9. *The General Assembly,*

Calls upon all Members of the United Nations to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment and maintenance of international peace and collective security with the least diversion for armaments of the world's human and economic resources.

G. Stages in the Development of the Disarmament Resolution¹

PARAGRAPH 1

Soviet Proposal, October 29, 1946

With a view to strengthening peace and international security in conformity with the aims and principles of the United Nations, the General Assembly recognizes the necessity of a general reduction of armaments.

Canadian Proposal, November 28, 1946

With a view to strengthening international peace and security, in conformity with the Purposes and Principles of the United Nations, the General Assembly recognizes the necessity of an early and general regulation and reduction of armaments.

¹The U.N. designation of the documents referred to is:

- (i) Argentine Proposal, November 26, 1946: A/C.1/75.
- (ii) Canadian Proposal, November 28, 1946: A/C.1/81.
- (iii) Canadian Amendments of December 9, 1946, to Report of Drafting Group: A/C.1/Sub.3/3.
- (iv) Canadian Amendments of December 11, 1946, to Report of Drafting Group: A/C.1/Sub.3/4.
- (v) Egyptian Proposal, December 7, 1946: A/C.1/125.
- (vi) French Proposal, November 30, 1946: A/C.1/94.
- (vii) Soviet Proposal, October 29, 1946: A/BUR/42.
- (viii) Supplementary Soviet Proposal, November 26, 1946: A/C.1/83.
- (ix) United States Proposal, November 30, 1946: A/C.1/90 and A/C.1/90/Corr.1.
- (x) Report of Drafting Group, December 11, 1946: A/C.1/Sub.3/W.1.

Final Text

The final text is the same as that of the Canadian Proposal with three changes: the words, "In pursuance of Article 11 of the Charter and" were added at the beginning; the words "and armed forces" were added at the end; and the word "and" was omitted before "general regulation".

PARAGRAPH 2

Canadian Proposal, November 28, 1946

The General Assembly recommends a system for the general regulation and reduction of armaments based on a treaty or convention accepted by virtually all states.... To the end that an international treaty or convention may be concluded as soon as possible, the General Assembly recommends to the Security Council that, with the assistance of the Military Staff Committee, it submit plans at the earliest practicable date to the Members of the United Nations for the establishment of a system for the regulation of armaments as is provided for in Article 26 of the Charter.

United States Proposal, November 30, 1946

Accordingly, the General Assembly recommends that the Security Council give prompt consideration to working out the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments pursuant to international treaties and agreements and to assure that such regulation and reduction will be generally observed by all participants and not unilaterally by only some of the participants.

Report of Drafting Group, December 11, 1946

Accordingly, the General Assembly recommends that the Security Council give prompt consideration to formulating the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments and forces and to assure that such regulation and reduction of armaments and forces will be generally observed by all participants and not unilaterally by only some of the participants. The plans formulated by the Security Council shall be submitted to the States Members for ratification in accordance with Article 26 of the Charter.

Canadian Amendments of December 9, 1946, to Report of Drafting Group

- (i) Add after "Accordingly" in the first sentence the words:
"the General Assembly, under Article 11 of the Charter, calls to the attention of the Members of the United Nations and of the Security Council this Resolution on the principles which shall govern disarmament and the regulation of armaments".

The rest of the sentence would remain unchanged. It would begin:

"The General Assembly recommends that the Security Council give prompt consideration to formulating the practical measures" et cetera.

(ii) The last sentence should be amended to read as follows:

“The plans formulated by the Security Council shall be submitted by the Secretary-General to the Members of the United Nations for consideration at a special session of the General Assembly. The treaties or conventions approved by the General Assembly shall be submitted to the signatory States for ratification in accordance with Article 26 of the Charter.”

Final Text

The first sentence of the final text is the same as that of the Drafting Group except that “forces” is changed to “armed forces”. The substance of the Canadian amendment to that sentence was, however, accepted: the reference to Article 11 was inserted in paragraph 1; the description of the Resolution was accepted with a slight change as the official title of the Resolution in place of the title as given in the Report of the Drafting Group which was “Resolution concerning the general regulation and reduction of armaments”.

The second Canadian amendment was incorporated in the final text.

PARAGRAPH 3

Soviet Proposal, October 29, 1946

The implementing of the decision concerning the reduction of armaments should include as primary object the prohibition to produce and use atomic energy for military purposes.

Canadian Proposal, November 28, 1946

In order that atomic weapons and all other major weapons adaptable to mass destruction shall be eliminated from national armaments at the earliest possible date, the General Assembly urges the expeditious fulfilment by the Atomic Energy Commission of its task under the terms of reference set forth in Section 5 of the General Assembly Resolution of 24th January, 1946, by which the Commission is required to proceed with the utmost despatch and to make the following specific proposals:

- (a) for extending between all nations the exchange of basic scientific information for peaceful ends;
- (b) for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;
- (c) for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction;
- (d) for effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

United States Proposal, November 30, 1946

The General Assembly recognizes that essential to the general regulation and reduction of armaments is the early establishment of international control of atomic energy and other modern technological discoveries to ensure their use only for peaceful purposes.

Report of Drafting Group, December 11, 1946

As an essential step towards the urgent objective of eliminating from national armaments atomic and all other major weapons adaptable to mass destruction, and the early establishment of international control of atomic energy and other modern scientific discoveries and technical developments to insure their use only for peaceful purposes, the General Assembly urges the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in Section 5 of the General Assembly Resolution of January 24, 1946.

Final Text

The final text is the same as that of the Drafting Group with the words "prohibiting and" added before "eliminating", and the words "now and in the future" added after "adaptable".

PARAGRAPH 4

United States Proposal, November 30, 1946

Accordingly, in order to ensure that the general regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons the General Assembly recommends that the Security Council give first consideration to the report which the Atomic Energy Commission will make to the Security Council before 31st December, 1946, and facilitate the progress of the work of that Commission.

Report of Drafting Group, December 11, 1946

In order to ensure that the general prohibition, regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons, the General Assembly recommends that the Security Council expedite consideration of the reports which the Atomic Energy Commission will make to the Security Council and that it facilitate the work of that Commission, and also that the Security Council expedite consideration of a draft convention or conventions for the creation of an international system of control and inspection, these conventions to include the prohibition of atomic and all other major weapons adaptable now or in the future to mass destruction.

Canadian Amendments of December 11, 1946, to Report of Drafting Group

Add at the end of the paragraph the words "and the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes".

Final Text

The Canadian amendment was incorporated in the final text.

PARAGRAPH 5

Canadian Proposal, November 28, 1946

The General Assembly recommends a system for the general regulation and reduction of armaments based on a treaty or convention accepted by virtually all states and providing for effective international safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

United States Proposal, November 30, 1946

The General Assembly further recognizes that essential to the general regulation and reduction of armaments is the provision of practical and effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. Accordingly the General Assembly recommends to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and other limitation or regulation of armaments.

Report of Drafting Group, December 11, 1946

[Identical with United States Proposal.]

Final Text

The final text is the same as that of the Drafting Group with the last six words changed to "the general regulation and reduction of armaments".

PARAGRAPH 6

Soviet Proposal, October 29, 1946

The General Assembly recommends that the Security Council should ensure the effective implementing of the principles laid down in Paragraphs 1, 2, 3 and 4 above.

Supplementary Soviet Proposal, November 26, 1946

To ensure the adoption of measures for the reduction of armaments and prohibition of the use of atomic energy for military purposes, there shall be established within the framework of the Security Council, which has the primary responsibility for international peace and security, international control operating on the basis of a special provision which should provide for the establishment of special organs of inspection for which purpose there shall be formed:

- (a) A Commission for the control of the execution of the decision regarding the reduction of armaments;
- (b) A Commission for the control of the execution of the decision regarding the prohibition of the use of atomic energy for military purposes.

Canadian Proposal, November 28, 1946

It [the General Assembly] further recommends that there be set up, under the treaty or convention, a Permanent International Commission of Control with power to make such investigations, including the appointment of permanent inspectors and special commissions of enquiry, as it may deem necessary to satisfy itself that no breach of the treaty or convention and of subsequent supplementary agreements on the regulation and reduction of armaments is taking place.

Report of Drafting Group, December 11, 1946

To ensure the adoption of measures for the reduction of armaments and armed forces and prohibition of the use of atomic energy for military purposes and of other major weapons adaptable now or in the future to mass destruction there shall be established within the framework of the Security Council, who bear the main responsibility for peace and security, an international system, as mentioned at the end of Paragraph 2, operating through special organs, which organs shall derive their powers and status from the convention or conventions under which they are established.

Canadian Amendment of December 11, 1946, to Report of Drafting Group

Substitute for the words "To ensure....to mass destruction" the words:

To ensure the adoption of measures for the early general regulation and reduction of armaments and armed forces, for the elimination from national armaments of atomic and all other major weapons adaptable now or in the future to mass destruction, and for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes...

Final Text

The Canadian amendment was incorporated in the final text. Two other changes were also made: the words "the prohibition of the use of atomic energy for military purposes and" were added before the words "the elimination"; the words "the Security Council, who bear the main responsibility for peace and security" were changed to "the Security Council, which bears the primary responsibility for the maintenance of international peace and security".

PARAGRAPH 7

Argentine Proposal, November 26, 1946

The General Assembly...resolves...to recommend to the Security Council to begin as soon as possible the study of the agreements referred to in Article 43 of the United Nations Charter, with a view to determining the number, type, and location of the armed forces which will have to be made available to it by Member States.

Canadian Proposal, November 28, 1946

The General Assembly recommends to the Security Council that, as the first step towards a general regulation and reduction of armaments, the Security Council, without further delay, proceed to negotiate with Members of the United Nations under Article 43 of the Charter the special agreements making available to the Security Council on its call the armed forces and other assistance and facilities necessary for the purpose of maintaining international peace and security.

French Proposal, November 30, 1946

The General Assembly, regarding the problem of security as closely connected with that of disarmament, recommends the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter. It recommends the Governments to undertake the progressive and balanced withdrawal of the forces stationed in non-national territories and the demobilization of national forces.

Egyptian Proposal, December 7, 1946

The General Assembly, linking closely the problem of disarmament with that of peace and security, recommends the Security Council to proceed with all possible speed to make available to it the armed forces referred to in Article 43 of the Charter. It recommends Governments to commence the gradual and balanced withdrawal of their forces stationed outside their own territories, and demobilization of their own forces. However, taking into consideration the letter and the spirit of the Charter, the armed forces stationed by States Members of the United Nations on the territories of other States Members without the free consent of the latter Members, must be withdrawn without delay.

Report of Drafting Group, December 11, 1946

The General Assembly, regarding the problem of security as closely connected with that of disarmament, recommends the Security Council to accelerate as much as possible the placing at its disposal of the armed force mentioned in Article 43 of the Charter. It recommends the Governments to undertake the progressive and balanced withdrawal, taking account of the needs of occupation, of their forces stationed in ex-enemy territories, and the withdrawal without delay of forces stationed in the territories of Member States without their consent freely and publicly expressed in treaties or agreements consistent with the Charter and not contradicting international agreements. It further recommends a corresponding reduction of national armed forces, and a general progressive and balanced reduction of these national armed forces.

Final Text

The final text is the same as that of the Drafting Group with a few minor drafting changes.

PARAGRAPH 8

United States Amendment of December 12, 1946, to Report of Drafting Group

Nothing herein contained shall alter or limit the resolution of the General Assembly passed on 24th January, 1946, creating the Atomic Energy Commission.

Final Text

The final text is identical with the United States amendment.

PARAGRAPH 9

Soviet Proposal, October 29, 1946

The General Assembly appeals to the Governments of all the States to give to the Security Council all the assistance necessary to enable it to discharge its responsibilities arising out of this task, the achievement of which lies within the scope of its mission to establish an enduring peace and maintain international security. This task is also in the interest of the peoples who would be released from the heavy economic burden caused by the excessive expenditure on armaments which do not correspond to peaceful post-war conditions.

Canadian Proposal, November 28, 1946

The General Assembly, being confident that the attainment of these objectives would contribute greatly to the establishment of enduring peace and the maintenance of international security, and, being convinced that it would make possible a rise in the standards of living of all the peoples of the United Nations by lightening the heavy economic burden imposed on them by excessive expenditures for national armaments which do not correspond to peaceful post-war conditions, calls upon the governments of all states to render every possible assistance to the Security Council, the Military Staff Committee and the Atomic Energy Commission to enable them to attain speedily the objectives set forth in this Resolution.

United States Proposal, November 30, 1946

The General Assembly calls upon the governments of all states to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment of international peace and collective security with the least diversion for armaments of the world's human and economic resources.

Final Text

The final text is the United States Proposal with two changes: the words "the governments of all states" were changed to "all Members of the United Nations", and the words "and maintenance" were added after "establishment".

H. Canadian Statements

POLITICAL COMMITTEE, NOVEMBER 28, 1946

The concern of the government and people of Canada that the question of disarmament be discussed at this Assembly was expressed in the speech which the head of the Canadian delegation made in the opening debate even before the Soviet proposal on disarmament was put forward. He then said that, in the view of the Canadian delegation, "It would be in the interest of all Members of the United Nations to see the Security Council equipped and ready, in fact, to enforce proper decisions for the maintenance of world peace and also to see serious consideration given to the reduction of national armaments so that the productive capacity of the world thus conserved may be used for improving the living conditions of all peoples".

In our view, however, the resolution proposed by the Soviet delegation does not go far enough. It states the objectives in general terms but it does not sufficiently point the way to the speedy attainment of these objectives. We believe that the United Nations will make progress in disarmament only if all the Members of the United Nations agree to practical measures which will convince their peoples that their nation can be secure through reliance upon means other than large national armaments.

How can this be done? First, I submit, by working towards a system of world security which will offer protection at least as effective to the Members of the United Nations as their own national forces. Secondly, by developing such international safeguards as will give assurance to any nation that does disarm that it will not be suddenly attacked and struck down by another nation that may have evaded or violated its promises to disarm.

The Soviet resolution proposes that the General Assembly recognize the necessity of a general reduction of armaments. We assume that the Soviet proposal includes the regulation as well as the reduction of armaments in accordance with Articles 26 and 47 of the Charter. With this proposition put forward in the first paragraph of the Soviet resolution, the Canadian delegation is in cordial agreement, but we ask how is it to be implemented. The answer in the Soviet proposal is left vague. All that paragraph 3 says is that "the Security Council should ensure the effective implementing of the principles laid down in paragraphs 1 and 2".

I would recall to the Committee the suggestion contained in the remarks of the head of the Canadian delegation in the opening plenary debate "that the Security Council and the Military Staff Committee should go ahead with all possible speed in the constructive work of negotiating special agreements and of organizing the military and economic measures of enforcement".

For it is essential, I submit, that before nations deprive themselves voluntarily of the protection derived through reliance on their own national armaments they should be afforded at least a substantial measure of pro-

tection through an organized collective force at the disposal of the United Nations. Moreover, how can nations decide how far they ought to reduce their armaments if they do not know what armed forces they should maintain as their share of putting world force behind world law?

The second paragraph of the Soviet proposal states "that reduction of armaments should include as a primary object the prohibition to produce and use atomic energy for military purposes".

Here again, I submit, the means of implementation are left unnecessarily vague. All that paragraph 3 of the Soviet proposal says is that the General Assembly should recommend that the Security Council ensure the effective implementation of this principle.

I need hardly remind this Committee that the General Assembly at its 17th plenary meeting last January set up the Atomic Energy Commission for the express purpose of recommending the means to implement this very objective.

We are all well aware that over the peoples of the world hangs the menace of an armament race in atomic and other weapons adaptable to mass destruction unless the means are found for the swift implementation of the terms of reference of the resolution adopted unanimously by the General Assembly on January 24 of this year.

It is not enough, as the Soviet proposal suggests, to prohibit the production and use of atomic energy for military purposes. As my Prime Minister stated in our House of Commons in a speech on December 17, 1945, in explaining the Washington Declaration on Atomic Energy of which he was a signatory: "Up to a certain point the processes for releasing atomic energy are the same whether the purpose is an industrial, commercial, or humanitarian use, or whether it is that of mass destruction". This statement was confirmed by an international group of scientific and technical experts on the Atomic Energy Commission in their first report on "The Scientific and Technical Aspects of the Control of Atomic Energy". In the conclusions of this report it is stated "There is an intimate relation between the activities required for peaceful purposes and those leading to the production of atomic weapons; most of the stages which are needed for the former are also needed for the latter".

This was an essential fact which was fully grasped when, in drafting the terms of reference for the Atomic Energy Commission, it was provided that the Commission should make specific proposals, among other things "for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes". These terms of reference called upon the Commission to make specific proposals "for effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions".

The Atomic Energy Commission, of which Canada, as one of the pioneers in the field of atomic energy is a member, has been devoting some time to discussions which will throw light on some of the practical means which may be applied to prevent atomic energy activities required for peaceful purposes being diverted to the manufacture of atomic weapons.

I understand that we may shortly expect a report from the Commission on its work to date. I submit, therefore, that the most practical step for implementing the second paragraph of the Soviet proposal concerning

disarmament in relation to atomic weapons is to urge the expeditious fulfilment by the Atomic Energy Commission of its task under the terms of reference as set forth in the second part of the resolution adopted last January.

Indeed nothing would create more confidence in international security measures than the fulfilment of these terms of reference by the Atomic Energy Commission. The Atomic Energy Commission has been given an important job to do. When the Commission has done this job the public will feel that international co-operation can be effective and is worth while.

Previous efforts at disarmament, as we know full well, failed when powers conspired against their success by secret preparations for war. If we are now to take a step forward towards general reduction of armaments, as suggested by the Minister of Foreign Affairs of the U.S.S.R., we should bear these lessons in mind. Unilateral disarmament does not increase security. Disarmament by a few nations does not increase security. To be successful, a system for the general regulation and reduction of armaments must be based on an international treaty or convention on the limitation of armaments accepted and implemented by virtually all nations.

We must ensure that all states, which accept such a treaty or convention for the regulation and reduction of armaments and comply with its terms, are adequately protected against the hazards of violations and evasions. International responsibility for security without large national armaments requires effective international safeguards. International safeguards cannot be effective without international inspection.

I propose that with this end in view the disarmament treaty should provide for the setting up of a special international commission of control with effective powers of independent inspection and inquiry to see that any programme of disarmament is carried out fully and faithfully by all nations. These powers should include freedom of access to inspect anywhere in any state in order that the Commission may satisfy itself and satisfy the whole world that no breach of the disarmament treaty is taking place.

As a necessary preliminary to the holding of a conference to draw up a treaty on the limitation of armaments, article 26 of the Charter requires the Security Council, with the assistance of the Military Staff Committee, to prepare plans. May we not invite our Soviet colleagues to join us in being specific on this point. May we not include a recommendation to the Security Council that it submit plans, at the earliest possible date, to the Members of the United Nations for the establishment of a system for the regulation of armaments.

As regards paragraph 4 of the Soviet proposals, I agree that the General Assembly should appeal to all governments to give the Security Council all the assistance necessary to enable the Security Council to discharge its responsibilities on disarmament. But, as I hope I have made clear, Member governments should also appeal to the Security Council, as well as to the Military Staff Committee and the Atomic Energy Commission, to fulfil their obligations relating to disarmament.

Finally, the Canadian delegation expresses sincere agreement with the sentiment contained in the last sentence of paragraph 4 of the Soviet proposal, that disarmament is "in the interest of the peoples who would

be released from the heavy economic burden caused by the excessive expenditure on armaments." The Canadian Government desires most earnestly that the people in all nations be spared the heavy financial burden imposed on them by excessive expenditures for national armaments. We want to see the standards of living of all the peoples of the world raised to the highest possible level. We do not want the productive resources of the world squandered on armaments. It is for this reason that the Canadian delegation has suggested practical ways by which immediate progress can be made towards a general reduction of armaments. We believe that the Soviet proposal can be improved upon in this respect.

In conclusion, Mr. Chairman, I should like to submit an amendment of the Soviet proposal on disarmament which incorporates the suggestions I have made.

POLITICAL COMMITTEE, NOVEMBER 30, 1946

. . . Mr. Vyshinsky has rightly urged that we should not waste our time haggling over forms of words. This was far from the intention of the Canadian delegation in proposing our amendments to the Soviet proposals. We would gladly yield to the Soviet delegation the rights of authorship if the matter of difference between us was merely a question of words. However, this is not the case, as I had hoped the statement which I made on November 28 would have made clear.

We share Mr. Vyshinsky's thoughts on empty words and pious resolutions to disarm. We do not wish to see this Assembly adopt a resolution that did not clearly indicate the means of its implementation. Mr. Vyshinsky has said that the "the road to hell is paved with good intentions." Let us also remember that the road to the last war was paved with pious resolutions.

Mr. Vyshinsky invited us to agree to his resolution in principle. With much of what he said in principle our delegation is happy to agree. Principle and practice, however, are necessarily intertwined.

Mr. Vyshinsky, in his remarks yesterday, I was glad to note, agreed with the principle that disarmament and security must go together. It is exactly for this reason that the Canadian delegation has submitted a paragraph, which is lacking in the Soviet resolution, calling upon the Security Council to proceed without delay to the conduct of negotiations with Members of the United Nations for the special agreements envisaged in Article 43 of the Charter. It is evident to us that nations will be unwilling to disarm unless and until effective collective measures are established which will assure them of protection against attack. Moreover, how can nations decide how far they ought to reduce their armaments if they do not know what armed forces they should maintain as their share of putting world force behind world law?

Mr. Vyshinsky has also invited us to accept the Soviet proposal as it stands, that the implementation of the decision concerning the reduction of armaments should include as a primary objective "the prohibition to produce and use atomic energy for military purposes."

I do not think that any useful purpose would be served to embark in this Committee on the reasons, which have been expounded at length in the Atomic Energy Commission and have been referred to briefly already in this Committee, why a mere prohibition to produce and use atomic weapons, by itself, is not enough. Suffice it to repeat that the very processes which are employed for the application of atomic energy to peaceful purposes produce the fissionable product which can be used directly in the manufacture of the atom bomb.

We are faced, therefore, either with the total prohibition of the use of atomic energy or its control for peaceful purposes only. I need hardly remind Mr. Vyshinsky that paragraph 2 of the Soviet proposal is already covered by paragraph "c" of Section 5 of the Assembly resolution of January 1946, where it is stated that the proposals of the Commission should provide, among other things, for the elimination of atomic weapons from national armaments. Like Mr. Vyshinsky, I do not desire to split hairs over words, and I am sure that he will agree that "elimination from national armaments" means both the prohibition of the manufacture and the use of atomic weapons. This is to be part of the plan for the control of atomic energy which the Atomic Energy Commission is charged with working out.

If the new discovery of atomic energy is, as the representative of the Soviet Union so aptly says, to be used for the benefit of mankind and not for its destruction, measures of effective control must be devised to provide safeguards for all nations. The prohibition of the production and use of atomic energy for war must not result in its prohibition for peace. At the present time the Atomic Energy Commission is earnestly engaged (as Mr. Parodi has just reminded us) in devising measures of control which would provide effective safeguards. It is for this reason that the Canadian delegation has proposed that the Assembly should urge "the expeditious fulfilment by the Atomic Energy Commission of its task"—not just part of its task but its whole task—as set forth in Section 5 of the Assembly resolution of January 24, 1946. If my Soviet colleague is willing to reaffirm the stand of his Government as expressed in the vote of the Soviet representative on January 24 last, as I am sure he will, he should have no difficulty, I submit, in accepting the substitution of the third and fourth paragraphs of the revised Canadian amendment for the second paragraph of the Soviet resolution.

As regards paragraph 5 of the revised Canadian amendment, we are glad to find ourselves in agreement with Mr. Vyshinsky that any system for the general regulation and reduction of armaments should be accompanied by provision for inspection. We are now speaking of measures of control relating to weapons other than atomic weapons. Paragraph 4 of the Canadian amendment provides for a permanent international commission of control to be set up under the terms of a disarmament treaty, with power to make investigations either through permanent inspectors or by special commissions of enquiry to detect breaches, or threatened breaches, of the disarmament treaty. The Soviet delegation proposes that one of the two special organs of inspection which should be set up under the Security Council should be a commission for the control of the execution of the decision regarding the reduction of armaments. We warmly welcome

the fact that the Soviet Union accepts in principle control by inspection of disarmament in matters of troops, weapons, and general war potential. The question, however, has been raised by other representatives as to the effectiveness of this principle if it were applied under the limitation imposed by the rule of unanimity in the Security Council.

What do the words "within the framework of the Security Council" in the Soviet proposal mean? Are we to understand that before an inspection is carried out by such a commission in the territory of any one of the permanent members, that that member would be able to exercise his veto to prevent such inspection? Are we to understand that if such inspections were not prevented by the exercise of the veto, any action resulting from a report by the inspecting commission would be subject to veto action by one of the permanent members?

If that is what "within the framework of the Security Council" means, then, I submit, the powers of the inspection commission proposed in the Soviet resolution will be quite insufficient. The Permanent International Commission of Control, established under an international disarmament treaty, envisaged in the Canadian amendment would have freedom of access to inspect *anywhere* in *any* state, in order to satisfy itself and satisfy the whole world that no breach of the disarmament treaty is taking place.

And now let me say a few words of explanation on the subject of paragraph 5 of the Canadian amendment. The discussion of principles such as those which have been so usefully enunciated by the representatives of the United States and Australia are of undoubted value as a starting point towards disarmament. But I submit that, as envisaged in the Charter, it is essential that the Members of the United Nations should have some concrete plans preliminary to the calling of a general conference to negotiate an international treaty or convention on disarmament. This is provided for in Article 26 of the Charter and we suggest, here again, that this Assembly could usefully recommend that the Security Council, with the assistance of the Military Staff Committee, expedite its work . . .

The Soviet representative has suggested in a supplementary proposal that the Assembly should declare itself in favour of the proposition that all Members of the United Nations should submit information on armed forces and armaments on their territory for submission to the Security Council when examining proposals regarding the general reduction of armaments. This is a proposition which undoubtedly has its place in the consideration of a disarmament scheme but surely what we need first are not figures but plans, or at least the outline of plans.

First, we need a plan for the effective control of atomic energy for if we succeed here we lay the foundations for that international confidence which will make possible further progress in disarmament. That is the core of the disarmament problem. We also need plans from the Security Council and Military Staff Committee for the implementation of Article 43 to protect nations by collective force in place of reliance on national armaments. We also need plans from the Security Council and Military Staff Committee for the establishment of a system for the regulation of armaments under Article 26.

Until we have plans, what use is there of turning the Security Council or any other agency into a recipient of a vast amount of detailed information.

Let these bodies get on with the work of preparing plans which we need to put disarmament into effect and when these plans are ready and carry the support and confidence of the nations then we may be sure that nations will be ready and willing to give whatever information is necessary to put the agreed plans into effect. For this reason the Canadian resolution in its final paragraph proposes that the Assembly should call upon the governments of all states to render every possible assistance to the Security Council, the Military Staff Committee and the Atomic Energy Commission to enable them to draw up concrete and effective proposals.

POLITICAL COMMITTEE, DECEMBER 14, 1946

I am convinced that the people of the whole world will be deeply grateful to the distinguished Foreign Minister of the Soviet Union for the great hope which his speech this morning holds out to us all, and especially those countries which like mine have no armaments which can constitute a menace or a threat to the peace and security of the world.

His speech holds out the hope to the world that we are attempting to go even further than had been definitely provided for in the San Francisco Charter. Paragraph 4 of Article 2 of the San Francisco Charter provides that all Members undertake to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of another state, or in any other manner inconsistent with the Purposes of the United Nations. Article 26 provides that at some future time there would be, or we might hope that there would be, accepted by all the Members of the United Nations an undertaking to reduce and to regulate their existing armaments.

Now the distinguished representative of the Soviet delegation has held out what appears to be a serious hope that we can, at this time, take a great step forward in implementing this general expression of the hope of the Members of the United Nations that not only would there be an undertaking that armed forces would not be used against the integrity or freedom of any other Member, but also that the great powers who have such tremendous armaments wish to reduce those armaments so that they will not constitute a serious menace or threat to the peace and security of the world.

When this second part of the First Session of the Assembly convened in New York, we were all at great pains in the opening debate to dispel to the utmost possible degree the general feeling of disappointment at the achievements of the United Nations. At this time, it appears to me that we are holding out to the world the prospect that not only will the high purposes provided for in the Charter be respected and lived up to, but that we will make more rapid progress than had been anticipated at San Francisco in bringing about a general reduction and regulation of those instruments of destruction which have proved so disastrous to the whole world.

As I listened with great interest and emotion to the speech this morning of Mr. Molotov, it appeared to me that we were in substantial agreement as to what is desirable for the welfare of mankind to accomplish at this time. I understood him to state that his government recognized and asserted the

desirability of an early and general reduction of armaments. I think that with that purpose we are all in full agreement.

I understood the honourable delegate to say then that his government desired the early implementation of the terms of reference assigned to the Atomic Energy Commission which, as he so well pointed out, not only deals with atomic weapons but with all weapons of mass destruction; and that it is the desire of his government that there be an early solution of that problem which has been so troubling us all. With that also I am sure everyone is in substantial agreement. That, of course, is something which cannot be accomplished rapidly because, as Sir Hartley Shawcross has pointed out, in dealing with atomic energy we not only have to provide that it shall not be used for purposes of destruction, but we have also to provide that it may be available for peaceful purposes and for the improvement of the living conditions of humanity. That makes it a problem which presents special difficulties and which cannot be solved merely by a prohibition of the development of atomic energy.

I think we will all agree that the terms of reference of the Atomic Energy Commission provide that a draft convention will eventually be submitted to the Members of the United Nations for their acceptance, and for ratification by their respective parliaments. But the very constructive suggestion from the Soviet delegation is that, while that is being proceeded with, preparation be made so that at the same time as the purposes of the Atomic Energy Commission are being achieved through the adoption and ratification of an international convention, an international convention for the regulation and reduction of other armaments may also be adopted and ratified.

I am not at all repulsed nor frightened by the existence of the veto in the Security Council in that respect because, if it is necessary that there be an international agreement, it will be necessary for each state which will become a party to that agreement to give its assent thereto. The existence of this rule of unanimity, which requires that the formulation of the plans to be submitted to the nations shall have the unanimous support of the five great powers, presents no difficulty or obstacle whatsoever in the view of the Canadian delegation.

Now the speech of the Soviet Foreign Minister this morning, as I understood it, envisages the necessity of the creation and the functioning of an international commission of control and inspection. As the representative of one of the small countries I regard that as very important. We want to feel that we are secure. We want to feel that the United Nations is responsible to us for that feeling of security, and the only way in which we can feel that there is international responsibility is by a system whereby there will be some international body that will tell us that everything is all right and that every undertaking is being respected. Now, I think that the Charter requires that this commission for control and inspection operate within the framework of the Security Council, but, as I understood the honourable delegate of the Soviet Union, he envisages that this international commission will be clothed with powers, which they will exercise autonomously and which will enable them to take the proper measures to make us feel that the international obligations are being respected everywhere. It is, I think, within the general underlying concept of the Charter that these

subsidiary organs will operate within the framework of the Security Council as being the organ of the United Nations which has the primary responsibility for the maintenance of international peace and security, and that any sanctions that might have to be adopted against a state which violated or which adopted a position that constituted a threat of violation of the disarmament convention should be adopted by and applied through the Security Council. There again, the existence of the requirement of great power unanimity appears to me to be in strict accord with the realities of the situation. The Security Council is designed to have at its disposal armed forces, but armed forces contributed by the individual Members. Now no one of the large powers can be expected to agree to something whereby forces contributed by his nation could be used against other forces of his nation. That is not realistic and we must, I think, admit that if there came about a situation where it was felt that sanctions would have to be applied against one of the great powers, it would be a condition of imminent war whether the opposition of the one power took the form of resistance or took the form of a veto. The only way in which it could be overcome would be by the use of force and the use of force against a great power means war.¹

I think that the smaller powers, those of the category of Canada and the like, will realize that in the suggestions we have heard this morning there is as concrete an effort towards a constructive solution as the realities of the day make possible. When we have it asserted, as it was this morning, that this international control commission will be clothed with powers that it can exercise and that it can report to the Security Council, and thereby to the world at large, that there is or is being prepared a threat to peace then, if the Members of this Organization have undertaken to submit to such control and inspection any great power must realize that any obstacle it puts in the way of inspection and control would be tantamount to a declaration of war on the rest of the world. I think that all of us and all those we represent have now such a horror of unnecessary war that there is not apt to be any interference with the working of a system which will be designed to give a feeling of security to all those concerned.

The Canadian delegation is grateful to the representative of the United Kingdom for his kind references to the draft resolution put forward by Canada; but Canada has no feeling of ownership or feeling of national pride about it. Canada is willing to take as a working basis in the sub-committee to be set up the proposal put forth by the Soviet delegation as modified by the others that have come forward. We recognize that, though we suggested in the opening debate of the General Assembly that the Security Council be as expeditious as possible in concluding the agreements provided for by Article 43 of the Charter, we did not at that time entertain the hope that has been given to us by the attitude of the Soviet Union that there could be so quickly set in motion the machinery required to bring about that reduction and regulation of all armaments which would increase and consolidate the feeling of security and trust in each other which is required for the reconstruction of the ravages of the years we have just gone through.

¹For an expansion of the views expressed here on the question of the existence in the Security Council of the right of veto over the imposition of sanctions against a violator of disarmament agreements, see below, pp. 196 to 198.

We have had prepared for our own use a collation of the various suggestions that have been put forward, and when this matter is before the sub-committee it may be that that collation can be of assistance to the sub-committee in their efforts to bring back to this committee for recommendation to the General Assembly a unanimous resolution which will go far towards restoring the confidence of the world at large in the sincerity of all the Members of this United Nations in the lofty statements of the purposes and principles for which we came together and for which the United Nations has been established.

SUB-COMMITTEE ON DISARMAMENT, DECEMBER 12, 1946¹

The Canadian delegation gives place to no other in its anxious desire to see the fullest possible agreement between all nations, and especially the great powers, on the principles of disarmament which we are now considering in this General Assembly. We are confident that this sub-committee will be able to reach agreement on a single text and that the General Assembly will not have to choose between one set of proposals and another. The reason we are confident of this is that we have all, great powers and small powers alike, reached agreement on all the issues before us.

We submit, however, that we have failed, in paragraphs 2 and 3 of the draft resolution now before the sub-committee, to express clearly that large measure of agreement which we have reached. Indeed I am afraid that we may have done more than this. We may unintentionally have framed these paragraphs in such a way that they are capable of being construed to mean the precise opposite of what we all intend.

That is why the Canadian representative, when these paragraphs were being discussed by the drafting group, urged the adoption of the amendments which the Canadian delegation has now formally moved. That is why the Canadian representative on the drafting sub-committee fully reserved the position of the Canadian delegation on paragraphs 2 and 3 of the draft resolution.

In order to explain the reasons why we believe that the end of paragraph 2 and the middle of paragraph 3 should be amended it is necessary for me to go back to the first sentence of paragraph 2.

The first sentence of paragraph 2 sets forth two objectives for the Atomic Energy Commission. The first of these objectives is "eliminating from national armaments atomic and all other major weapons adaptable to international control of atomic energy and other modern scientific disarmament". The second objective is "the early establishment of coveries and technical developments to ensure their use only for peaceful purposes". After stating these general objectives the sentence concludes with the General Assembly urging "the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in section

¹This statement was made in moving the adoption of the Canadian amendments to paragraphs 2 and 3 of the draft resolution submitted by the drafting group. The Canadian amendments were accepted and the two paragraphs, as amended, became paragraphs 3, 4, 5 and 6 of the final resolution.

5 of the General Assembly Resolution of January 24". This, I repeat, is a recommendation from the General Assembly to the Atomic Energy Commission.

The second sentence of paragraph 2 refers to recommendations from the General Assembly to the Security Council and purports to describe the nature of the draft convention or conventions required from the Security Council to implement the two objectives set forth in the first sentence of paragraph 2.

I submit, however, that the second sentence could be construed to mean that the convention or conventions, the consideration of which the Security Council is asked to expedite, will implement only the first of these two objectives and not the second.

The first objective, as stated in the first sentence, is to eliminate from national armaments atomic and all other major weapons adaptable to mass destruction. This objective is explicitly covered by the following words in the second sentence, "these conventions to include the prohibition of atomic and all other major weapons adaptable now or in the future to mass destruction".

I cannot, however, find language in the second sentence which covers the second objective—"The early establishment of international control of atomic energy, etc. . . to ensure their use only for peaceful purposes".

The omission from the end of paragraph 2 of a reference to the control of atomic energy *in order to ensure its use only for peaceful purposes* raises an essential matter of substance.

Let us be clear in the first place about the difference between the first sentence of the second paragraph and the second sentence. The first sentence states objectives for the Atomic Energy Commission. The second sentence contains explicit recommendations to the Security Council on what it should do with the recommendations of the Atomic Energy Commission. If we state explicitly at the beginning of the paragraph two objectives for the Atomic Energy Commission, and at the end of the paragraph we state explicitly that the Security Council implement in conventions only one of these two objectives, we may, by implication, be laying ourselves open to the charge that we do not consider the second objective as of equal importance to the first.

That I know is not the intention of any member of this sub-committee, but I am afraid that the language which we have used may be susceptible of that interpretation.

The problem can be put in another way. Could the language of the resolution now before us be interpreted as conveying any sort of endorsement of the proposition that a *mere prohibition of the production and use of atomic weapons is by itself enough?*

We must be clear on this point. Is it the intention of this sub-committee to propose that the General Assembly recommend to the Security Council that it expedite a convention *merely* for the prohibition of atomic and other weapons adaptable now or in the future to mass destruction and for the establishment of an international system of control and inspection which could merely supervise and report on the observance

or non-observance of such a convention? Or is it our intention that the General Assembly should hold to its resolution of last January and recommend to the Security Council in terms that can give rise to no doubt that the convention or conventions should *also* provide "for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes"?

If we *do* mean the latter, and I am certain we do, why do we not say so in precise terms? If we do *not* mean the latter, then I submit that the members of this sub-committee should clearly recognize that they are being asked to agree that the convention or conventions on atomic energy contain provisions for the *prohibition* of its use for military purposes and the establishment of an international system of control and inspection to supervise and report on the observance or non-observance of such a convention—and no more than that.

This issue has been argued for months in the Atomic Energy Commission. It is not necessary to repeat all the arguments in this sub-committee. Suffice it to say that the Canadian delegation cannot accept the restrictive interpretation which, I am afraid, may be implicit in the resolution now before us, of the resolution passed unanimously by the General Assembly last January, setting up the Atomic Energy Commission.

The mere prohibition of atomic weapons is not by itself enough. The very processes which are employed for the application of atomic energy to peaceful purposes produce the fissionable material which can be used directly in the manufacture of the atom bomb. Unless, therefore, we are prepared to agree to the total prohibition of the use of atomic energy, we must provide means to control atomic energy for peaceful purposes only. If the new discovery of atomic energy is to be used for the benefit of mankind and not for its destruction, measures of effective control must be devised to provide safeguards for all nations. The prohibition of the production and use of atomic energy for war must not result in its prohibition for peace.

We are, I feel sure, all agreed on this. All that the Canadian delegation asks is that this agreement should be expressed clearly in the resolution which is now before us, so that the resolution will mean what we intend it to mean and will not be susceptible of being interpreted to mean the opposite of what we intend.

In order to make the intent of all the members of the sub-committee clear, the Canadian delegation proposes two amendments. The first, which is of greater importance, is an amendment to the last sentence of paragraph 2. The second is a consequential amendment to the third sentence of paragraph 3.

PLENARY MEETING OF THE GENERAL ASSEMBLY, DECEMBER 4, 1946

At the San Francisco Conference we signed a Charter which began with an affirmation of the faith of the peoples of the United Nations in those standards of civilized life which were attacked by our enemies in the war—the worth and dignity of the individual, the rule of law and justice among nations, and respect for the pledged word. The peoples of the United Nations declare in the preamble of this Charter that they

are persuaded that men and nations can by their joint and sustained efforts live together as good neighbours, free from fear and want, and with liberty of thought and worship. They say, we are resolved to save ourselves and our children from the scourge of war which twice in our time has brought us untold loss and sorrow.

When this Assembly opened seven weeks ago there were few, perhaps none of us, who felt that we could do much in this second part of the First Session of the Assembly to save ourselves and our children from the scourge of war. Our hopes for this Assembly were limited. We were all of us conscious of the shortcomings and failures of the United Nations. My colleague, the Chairman of the Canadian delegation, said in his speech in the opening debate of the Assembly on October 29:—

The United Nations sixteen months after the signature of the Charter, is still, and is apt to continue for many months to be on trial. Its interests will not be served by concealing any disappointment caused by its operations.

. . . There are four stages in the process of disarmament. The first stage is that on which we are now engaged—the adoption of a resolution by the General Assembly of the United Nations on the principles which should govern the general regulation and reduction of armaments. The second stage is the formulation of plans by the Security Council. During this stage the Security Council will be doing the work of a preparatory commission on disarmament. The third stage is the consideration by all the Members of the United Nations at a special session of this General Assembly of the plans formulated by the Security Council. The fourth stage in the process of disarmament is the ratification and the coming into force of the disarmament treaties or conventions approved by the General Assembly in special session.

Let us not mislead ourselves and our peoples about the difficulties of the task which lies ahead of us. We will today only have laid an essential stone in the foundation of a just and stable world order, in which it may be possible for men and nations by their joint and sustained efforts to live together as good neighbours, free from fear and want and with liberty of thought and worship.

The task of completing the edifice of peace will be heavy. It will be long and dreary. It will be full of setbacks and heartbreaks. There will be brief moments of elation, such as that of last night and of today, but there will also be periods of despair. If we, the peoples of the United Nations, are to succeed in our task we must be willing to experiment, and to run great risks to attain great objectives. We must be resolute and display in our just cause a holy obstinacy.

We must have faith in ourselves and in each other. Above all we must remember that all men are brothers and that upon the dignity, the liberty, the inviolability of the individual men, women and children of the world depend the welfare of the people, the safety of the state and the peace of the world.

ATOMIC ENERGY COMMISSION, DECEMBER 19, 1946¹

Section (e) of Recommendation 3 of the United States resolution reads as follows:

The treaty should include, among others, provisions...

- (e) Specifying the means and methods of determining violations of its terms, stigmatizing such violations as international crimes, and establishing the nature of the measures of enforcement and punishment to be imposed upon individuals and upon nations guilty of violating its provisions.

The judicial or other processes for determination of violations of the treaty and of punishment therefor should be swift and certain. Serious violations of the treaty should be reported immediately by the authority to the nations party to the treaty and to the Security Council. In dealing with such violations a violator of the terms of the treaty should not be protected from the consequences of his wrong-doing by the exercise of any power of veto.

The provisions of the treaty would be wholly ineffectual if, in any such situation, the enforcement provisions of the treaty could be rendered nugatory by the veto of a state which has voluntarily signed the treaty.²

43. This deals both with violations by individuals and also with violations by nations. These problems require separate treatment.

44. The Legal Committee of the First Session of the General Assembly has already given consideration to the problem of the creation of new crimes under international law and of the machinery which should be set up for the punishment of individuals who commit these crimes. This is an extremely difficult and highly technical problem. It will probably involve making certain new crimes extraditable offences. It may involve the setting up of an International Criminal Court for the trial of persons

¹Paragraphs 43-55 of the Canadian memorandum of December 19, 1946, circulated on December 20, 1946, by the Canadian Delegation to the Atomic Energy Commission to the members of the Commission. The memorandum is entitled, "Observations of the Canadian Delegation on the Resolution proposed by the United States (AEC/15 of 14th December, 1946, as revised by the United States Delegation on 17th December, 1946)". There has been inserted at the beginning of the text the relevant section of the United States resolution (Section (e) of Recommendation 3).

²A number of changes were made in this section before it was adopted by the Atomic Energy Commission on December 30, 1946. The second sentence of the second paragraph was revised to read as follows:

"Once the violations constituting international crimes have been defined and the measures of enforcement and punishment therefor agreed to in the treaty or convention, there shall be no legal right, by veto or otherwise, whereby a wilful violator of the terms of the treaty or convention shall be protected from the consequences of violation of its terms."

A new paragraph was added immediately after Recommendation 3. This paragraph reads as follows:

"In consideration of the problem of violation of the terms of the treaty or convention, it should also be borne in mind that a violation might be of so grave a character as to give rise to the inherent right of self-defence recognized in Article 51 of the Charter of the United Nations."

Other changes of less importance were made.

alleged to have committed these new international crimes. In view of the complexities of the problem it might be wise at this stage in the work of the Commission to do no more than to establish in principle that individuals should be punished for violations of the conventions. The first sentence of this section (with the omission of the words "and upon nations") would appear to cover adequately so far as the present interim report is concerned the problem of violations by individuals.

45. The second paragraph of the Section states that "the judicial or other processes for determination of violations of the treaty and of punishment [of nations and individuals] therefor, should be swift and certain". No one would disagree with this statement of the objective. There could also be no objection to the sentence which follows and which provides that "serious violations of the treaty should be reported immediately by the authority to the nations party to the treaty and to the Security Council".

46. The meaning of the next sentence however is somewhat obscure. It reads as follows, as amended by the United States on December 17th:

In dealing with such violations, a violator of the terms of the treaty should not be protected from the consequences of his wrong doing by the exercise of any power of veto.

47. Article 51 of the Charter of the United Nations states that "nothing in the present charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security". This means that a permanent member of the Security Council cannot protect himself from the consequences of certain types of wrong doing by the exercise of his veto in the Security Council. All he can protect himself against by his veto is the application of sanctions *by the Security Council*. His veto does not protect him, and could not possibly protect him, from condign punishment inflicted on him by his fellow Members of the United Nations.

48. Article 51 would appear therefore to cover the situation which would arise if a permanent member of the Security Council made an armed attack against another Member of the United Nations. However, this Article, by itself, does not cover acts of aggression or threats of aggression which do not constitute armed attack. One such act might be the illicit manufacture of atomic bombs in violation of the international treaties or conventions on the control of atomic energy.

49. However, paragraph 4 of Article 2 of the Charter reads as follows:—

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

50. The undertaking in Paragraph 4 of Article 2 of the Charter is an undertaking by all the Members of the United Nations—by the permanent members of the Security Council as well as by the other fifty Members of the United Nations.

51. If a permanent member of the Security Council violates its solemn undertaking under paragraph 4 of Article 2, it has violated the most important provision of the Charter of the United Nations. Any such violation would be likely to make other Members of the United Nations feel that *they* are released from *their* obligation under the Charter not to threaten or use force against that delinquent state.

52. The mere existence of the "veto" in the Security Council would make no practical difference. If there came about a situation where it was generally felt that it was necessary to take armed measures against a great power which was threatening the peace of the world, those armed measures could be taken—veto or no veto. There can be "no question of the right of complying states, veto or no veto, to take immediate action in defence of the rule of law". (The quotation is from the address delivered by Mr. Byrnes, the Secretary of State of the United States, before the General Assembly on December 13th.)

53. Thus, under present circumstances, little would be gained by trying to persuade each of the permanent members of the Security Council to give up its veto over the imposition of military sanctions against a state found to be committing serious violations of the convention or conventions on atomic energy.

54. This does not mean that in future it might not be desirable to deprive the permanent members of the Council of their present right to veto the imposition of sanctions. If the United Nations succeeds in the task on which it is now engaged—general disarmament, the prohibition of methods of mass destruction, and the implementation of Article 43—the forces at the disposal of the Security Council will be so overwhelmingly superior to the forces at the disposal of any state, large or small, that the mere threat by the Security Council to use its forces against that state would be sufficient to bring it to terms. Under such circumstances, a proposal to deprive the permanent members of the Security Council of their present veto over the imposition of military sanctions would become realistic.

55. Nor does this mean that the International Atomic Authority should not be given power, under the convention or conventions establishing it, to impose certain sanctions against states which violate the conventions—and impose these sanctions by the normal two-thirds vote. These sanctions might include withdrawal of licences, cutting off raw materials, closing down of power plants in the territory of the offending state, and so on.

I. Resolution of the Security Council February 13, 1947*

The Security Council, having accepted the resolution of the General Assembly of December 14, 1946, and recognizing that the general regulation and reduction of armaments and armed forces constitute a most important measure for strengthening international peace and security, and that the implementation of the resolution of the General Assembly on this subject is one of the most urgent and important tasks before the Security Council,

Resolves:

1. to work out the practical measures for giving effect to the resolutions of the General Assembly on December 14, 1946, concerning, on the one hand, the general regulation and reduction of armaments and armed forces, and the establishment of international control to bring about the reduction of armaments and armed forces and, on the other hand, information concerning the armed forces of the United Nations;
2. to consider as soon as possible the report submitted by the Atomic Energy Commission and to take suitable decisions in order to facilitate its work;
3. to set up a Commission consisting of representatives of the Members of the Security Council with instructions to prepare and to submit to the Security Council within the space of not more than three months, the proposals:
 - (a) for the general regulation and reduction of armaments and armed forces and
 - (b) for practical and effective safeguards in connection with the general regulation and reduction of armaments

which the Commission may be in a position to formulate in order to ensure the implementation of the above-mentioned resolutions of the General Assembly of December 14, 1946, insofar as these resolutions relate to armaments within the new Commission's jurisdiction.

The Commission shall submit a plan of work to the Council for approval.

Those matters which fall within the competence of the Atomic Energy Commission as determined by the General Assembly Resolution of January 24, 1946, and December 14, 1946, shall be excluded from the jurisdiction of the Commission hereby established.

The title of the Commission shall be the Commission for Conventional Armaments.

*This resolution was adopted by the Security Council at its One Hundred and Fifth Meeting, February 13, 1947.

The Commission shall make such proposals as it may deem advisable concerning the studies which the Military Staff Committee and possibly other organs of the United Nations might be asked to undertake.

4. to request the Military Staff Committee to submit to it, as soon as possible and as a matter of urgency, the recommendations for which it has been asked by the Security Council on February 16, 1946, in pursuance of Article 43 of the Charter, and as a first step, to submit to the Security Council not later than April 30, 1947, its recommendations with regard to the basic principles which should govern the organization of the United Nations Armed Force.

APPENDIX III

PRACTICES AND PROCEDURES OF THE SECURITY COUNCIL

A. United Kingdom Proposals

(Suggestions regarding Voting in the Security Council laid before the Permanent Members by the United Kingdom Secretary of State for Foreign Affairs, November 15, 1946.)

1. The Powers possessing the right of "veto" might agree amongst themselves to consult each other, where possible, before a vote is taken, if their unanimity is required to enable the Council to function effectively.
2. If there is not unanimity, it might be agreed that the minority of the permanent members, mindful of the fact that they are acting on behalf of all the United Nations, would only exercise the "veto" where they consider the question of vital importance to the United Nations as a whole, and they would explain on what grounds they consider this condition to be present.
3. The permanent members might agree that they will not exercise their "veto" against a proposal simply because it does not go far enough to satisfy them.
4. The permanent members might agree to advocate rules of conduct for the Security Council providing that questions are only brought before the Security Council after other means of settlement have been tried and must then be presented in proper form to the Council.
5. The permanent members might agree to support the establishment of further rules of procedure for the conduct of the Security Council's business, e.g. for the consideration of any question, the Council should appoint a rapporteur, or a Committee of some of its members, to make a further attempt at conciliation before resorting to the final discussion and voting.
6. It might facilitate the work of the Security Council, and ensure that the Charter if properly applied, if a formula could be devised on which all could agree, for the definition of a "dispute".
7. It would be of great advantage if it were possible to provide, by some means, that a permanent member could abstain from voting without automatically vetoing the proposal. Similarly, that mere absence of a permanent member should not have the effect of a veto.

B. Canadian Statement, November 16, 1946

POLITICAL COMMITTEE

The Canadian delegation does not associate itself with any proposal for the calling at this time of a conference to amend the Charter. We believe that the Charter in its present form should be given a longer period of trial than one year. But the Canadian delegation *does* join in the demand voiced by so many other delegations that the veto be employed in future with restraint and in the interests of the United Nations as a whole. The Canadian delegation feels that it would be premature to call in question in this First Session of the General Assembly the rule of unanimity set out in Article 27. What we do call in question is the manner, or perhaps rather the number of cases and the kind of cases, in which that rule of unanimity has already been applied.

We do not suggest that what has happened so far has had very serious consequences, except in respect of the admission of new members, but we are very much concerned at the impairment of world confidence in the efficiency of the Security Council, as an instrument for the maintenance of international peace and security, which has resulted from the so frequent display of its inability to reach prompt and satisfying decisions.

It has been argued in the debate that the Members of the United Nations must choose either to accept the unqualified exercise of the veto by the great powers or alternatively, to advocate the immediate amendment of the provisions of the Charter relating to the voting rules of the Security Council. That argument, I submit, is not in accord with the facts as they have been presented in several able speeches in this Committee, notably by the representative of Australia, nor is it in accord with the letter or spirit of the Charter.

First of all, it cannot be said that the exercise of the veto depends upon the mere discretion or will of each of the permanent members, since that discretion is already restricted by the terms of paragraph 2 of Article 27 of the Charter and by the second clause of paragraph 3 dealing with disputes to which one of the permanent members is a party.

It is moreover difficult to justify the charge that delegates are attempting to violate the Charter or are attacking the rule of unanimity, when they urge that the permanent members of the Security Council should exercise their discretionary power of veto in a manner consistent with the Charter, that is to say, in a manner which will enable the procedures of the Security Council to operate instead of impeding or even preventing their operation. Such delegates want to achieve *in fact* that unanimity which has so often been lauded in principle, and which will never be achieved by the irresponsible use of the veto. The irresponsible use of the veto does not achieve unanimity; it is merely disunity writ large.

The Security Council was given primary responsibility for the maintenance of international peace and security in order to ensure *prompt and effective action* by the United Nations. But the experience of the past nine months can scarcely be said to have demonstrated that the Security Council would be capable under its present practices and procedures of taking prompt and effective action.

In the unsettled state of the world which is the inevitable aftermath of the war, situations or disputes may be expected to arise where it would be important that the Security Council should be capable of taking prompt and effective action for the maintenance of peace and security. In such circumstances we would all like to feel that the Council would be ready and able to take effective action promptly and not after a dispute or a source of friction had been fanned into a conflagration; that it would not wait until it is necessary to resort to force or until men, desperate from the frustration of waiting for a decision, might take whatever action they thought apt to serve their own interests.

None of us wish to see set in motion that chain of events which might lead to sanctions—that chain of events on which so much emphasis was laid in the statement of the sponsoring powers made at San Francisco. But still less do we want to see a chain of events set in motion which might lead to war. The Security Council was given by the Charter the responsibility of trying to adjust peacefully those international disputes and situations which unless peacefully settled might lead to war. If, through the use of the veto or for some other reason, the Security Council should be unable to act effectively as an agency of conciliation when occasion requires, the chances of war are increased. No one can disagree with the implication of the sponsoring powers' statement that the members of the Security Council undertake a heavy responsibility when they agree to investigate a dispute or situation or to make recommendations on its settlement. But the members of the Security Council would undertake an even heavier responsibility if they should fail to investigate a dispute or situation the continuance of which was likely to endanger the maintenance of international peace and security.

This responsibility rests on all the members of the Security Council. It rests with particular weight on the five permanent members since failure by any one of them to agree with certain decisions supported by the requisite number of other members of the Council may prevent the Council from exercising its functions as the supreme agency of international conciliation. . . .

We therefore join with other delegations in appealing to the permanent members of the Council to adhere scrupulously to the spirit and the language of the Charter and to refrain from using the veto except in the interests of the United Nations as a whole. We are confident that, if the permanent members take the view of their responsibilities which we suggest, the happy outcome will be that they will not find it necessary to use the veto except over measures of enforcement action under Chapter VII of the Charter. . . .

If the permanent members of the Council were to use their veto only in the interests of the United Nations as a whole, if the veto were not to apply to decisions by the Council on whether a dispute exists and on which states are parties to a dispute, and if a permanent member could refrain from supporting a proposal without by so doing exercising the veto, many of the obstacles which have prevented the Security Council from becoming the supreme agency for international conciliation would disappear.

More, however, is required than this. The Charter contains, especially in its chapter on peaceful settlement, a number of unintentional obscurities which have led to honest differences of opinion between members of the Security Council on how the Security Council should go about its work of trying to settle peacefully international disputes and situations. It is not now possible without great difficulty, nor indeed is it necessary, to amend the Charter to remove the obscurities. It is, however, essential that the rules and practices of the Security Council be such as to carry out the intent of the provisions on peaceful settlement even though that intent is not always clearly expressed. . . .

C. Memorandum on Pacific Settlement by the Security Council

*(Submitted by the Canadian Delegation on November 30, 1946,
to the Political Committee)*

1. By Article 24 of the Charter, the Members of the United Nations have conferred on the Security Council primary responsibility for the maintenance of international peace and security and have agreed that, in carrying out this responsibility, the Security Council acts on their behalf. The Security Council is moreover required by Article 24 to act in accordance with the Purposes and Principles of the United Nations. The Charter has thus imposed on each individual member of the Security Council, permanent and non-permanent, the obligation to exercise its rights and responsibilities as a member of the Council not in defence of its own special national interests but in defence of the interests of the United Nations as a whole. This applies to the votes which a member casts in the Security Council as well as to its other actions in the Council.

2. The special voting position in the Security Council of its permanent members imposes on each of them special responsibilities since failure by any one of them to agree with certain decisions supported by the requisite number of other members of the Council might prevent the Council from exercising its functions as the supreme agency of international conciliation. In view of these special responsibilities, each permanent member is under an obligation to all the other Members of the United Nations not to use its special voting position to obstruct the work of the Council. Each permanent member should exercise its veto only in defence of the interests of the United Nations as a whole. If a permanent member decides, after careful consideration, to exercise its veto, it should, before exercising it, state the grounds on which it bases its conclusion that the interests of the whole Organization require that it exercise its veto in this particular instance. Since the requirement of unanimity of the permanent members can be met only if the permanent members are willing to accept compromises, a permanent member should not veto a proposal on the ground that it does not go far enough.

3. In order that a permanent member may not have to veto a proposal which it feels it cannot actively support, the right of a permanent member to refrain from supporting a proposal, without by so doing exercising the

veto, should be formally recognized in the rules of procedure of the Security Council. The rules might provide that a permanent member which, before a vote is taken, makes a statement to the following effect should be held to have cast an affirmative vote within the meaning of Article 27 of the Charter: "While I am not prepared to support this proposal, I am not prepared to prevent its acceptance if that is the desire of the majority. I am willing, in the circumstances, to have my position considered as constituting the degree of concurrence necessary in order that a decision may be reached."

4. All the Members of the United Nations have under Article 33 of the Charter undertaken that, if they are parties to any dispute the continuance of which is likely to endanger the maintenance of international peace and security, they will first of all seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. The spirit of this undertaking applies to situations which might lead to international friction or give rise to a dispute. Therefore, the rules of procedure of the Security Council should provide that, when a state brings a dispute or a situation to the attention of the Security Council, it should submit in writing a preliminary statement setting forth the steps which have been taken by the states concerned to carry out their obligation under the Charter to seek a solution by peaceful means of their own choice before coming to the Security Council.

5. The Security Council ought not to be asked to consider frivolous complaints or complaints which do not appear to be brought in the bona fide belief that they involve disputes or situations likely to endanger the maintenance of international peace and security. Therefore, the rules of the Security Council should provide that a state which brings a dispute to the attention of the Security Council should submit in writing a preliminary statement showing in what manner the continuance of the dispute is likely to endanger the maintenance of international peace and security. Similarly, a state which brings a situation to the attention of the Security Council should submit in writing a preliminary statement showing in what manner the continuance of the situation might lead to international friction or give rise to a dispute.

6. Apart from the special jurisdiction which may be conferred on it under Article 38 by all the parties to any dispute, the Security Council's jurisdiction is restricted to international disputes and situations which are likely to endanger the maintenance of international peace and security. The preliminary question to be settled therefore when a dispute or a situation is brought to the attention of the Security Council is whether the Council has jurisdiction to deal with the matter, that is to say whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security. Therefore the Security Council should work out agreed procedures to ensure that the early stages of the consideration of a dispute or situation by the Security Council are directed towards settling the preliminary question whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security. It may be necessary for the Council in these early stages to discuss the facts of the case and the claims and the

counter-claims, but the purpose of this initial examination should be, not to arrive at a recommendation on the settlement or adjustment of the dispute or situation, but to decide the preliminary question of jurisdiction.

7. The primary responsibility of the Security Council for the maintenance of international peace and security was conferred on it by the Members of the United Nations to ensure prompt and effective action by the United Nations. The rules and practices of the Security Council should therefore be based on a recognition of the fact that the Security Council is under an obligation to deal with disputes and situations when it has decided that they come within its jurisdiction. Every member of the Security Council is under an obligation to see that prompt and effective action is taken by the Council. These obligations of the Council as a whole and of its members individually can be discharged only if the Council without delay pursues one or more of the three courses of action set forth in the relevant provisions of the Charter (paragraph 2 of Article 24, paragraph 2 of Article 33, paragraph 1 of Article 36 and paragraph 2 of Article 37). It may pursue these courses in any order it sees fit. The three courses of action are (a) to remind the parties to a dispute of their undertaking to settle it by peaceful means of their own choice; (b) to call upon the states parties to a dispute or directly involved in a situation to adopt such particular peaceful means or methods of adjustment as the Council considers most likely to succeed; (c) to recommend terms of settlement to the parties to a dispute.

8. Under the proviso to paragraph 3 of Article 27 of the Charter, a party to a dispute is required to abstain from voting in decisions taken under Chapter VI. This proviso would be rendered of no effect if a permanent member of the Security Council could veto a decision that a dispute exists or that it is, itself, a party to a dispute. Therefore the Security Council should work out agreed procedures to ensure that no state is judge in its own cause.

APPENDIX IV

ADMISSION OF NEW MEMBERS

Canadian Statement, November 6, 1946

POLITICAL COMMITTEE

It is, of course, not only the right but also the undoubted duty of this Committee of the General Assembly to discuss and give careful consideration to this important matter of admitting new Members. The General Assembly is charged under Article 4 with making the decision on the admission of any state to membership in the United Nations upon the recommendation of the Security Council.

In making that decision it is not to be expected that this body, though giving earnest consideration to recommendations of the Security Council, can act merely as a rubber stamp. The Canadian delegation was glad to join with other delegations in the unanimity with which the Committee decided to accept into the membership of this organization the three members reported favourably upon by the Security Council, but we would be neglectful of our duty if we did not also examine the information contained in the report of the Security Council in relation to certain other applicants for membership. . . .

In examining the grounds upon which the Security Council reached its decision, we find that three applications were vetoed by a permanent member of the Security Council on the ground that his state had no diplomatic relations with the applicant state.

We shall have more to say about the veto on another occasion. For the present it is sufficient to state that the ground upon which the veto has been exercised in these three instances (Ireland, Portugal and Trans-Jordan) was not, in the opinion of the Canadian delegation, in accord either with the letter or the spirit of Article 4. The Article, of course, recites no such ground for the non-admission of members. Moreover, since the Article states that membership is open to all "*other* peace-loving states", the clear implication is that the states already Members of the organization are peace-loving. There are, however, among the present Members of the organization several states who have not yet established diplomatic relations with all the permanent members of the Security Council.

It is the view of the Canadian delegation that Ireland, Portugal and Trans-Jordan are peace-loving and that therefore their applications should be examined particularly from the standpoint as to whether or not they are able and willing to carry out the obligations of the Charter.

In this connection a principal factor in our view is that the state concerned should possess a sufficient degree of sovereignty to enable it to

carry out independently the obligations imposed by the Charter. The degree of dependence of an applicant upon another state, therefore, is relevant to the enquiry.

Of the three applicants for membership, the Canadian delegation is best informed on the merits of the application of Ireland, a state with which we are closely associated. It is our view that Ireland fully meets the requirement of Article 4 respecting membership in the organization. Although many of us may not agree with the attitude of Ireland during the war, this delegation believes that this attitude demonstrates two points. The first is that by their neutrality the Irish showed that they placed a high value on peace. The second is that the very fact of this neutrality shows that Ireland is fully able to carry out independently whatever policies are espoused by the Irish people. If, therefore, Ireland has expressed its willingness to accept the obligations contained in the Charter, we think that no valid grounds can be found for not accepting at the present time its application for membership.

The Canadian delegation is also of the view that Portugal is fully eligible for admission under the Charter, and moreover that its entry into the organization is desirable in order that the membership of the organization should be as broad as possible consistent with the terms of the Charter.

The information available indicates that some doubt exists as to the ability of Trans-Jordan to carry out independently the obligations of the Charter. Canada would like to have an opportunity of examining more closely the position of Trans-Jordan from this point of view before advocating its admission to the United Nations.

In conclusion, the Canadian delegation wishes to express its support of the draft resolution concerning the admission of new Members submitted by the delegation of Egypt.

APPENDIX V

THE RELATIONS OF MEMBERS OF THE U.N. WITH SPAIN

A. Canadian Statement, December 3, 1946

POLITICAL COMMITTEE

In the opinion of the Canadian delegation every proposal regarding Spain should be judged in the light of its probable effect on the welfare of the Spanish people. The Canadian delegation has examined the proposals placed before this Committee with this paramount consideration constantly in mind.

We do not forget that General Franco and those who established and supported him, including the Germany of Hitler and the Italy of Mussolini, have brought tragic losses and sorrows to the people of Spain. We do not forget that both before and during the war the Franco regime collaborated closely with those evil forces that brought such disaster to the world.

We recognize also the dangers inherent in the continued existence of organized fascism anywhere in the world. We know that so long as fascist regimes continue in power they are likely to become sources of infection to other nations.

We share the views of those who hold that the first duty of the government of any state is to preserve, respect and defend the rights of the people who live within its borders. For it is the individual man, woman and child who is the subject and the foundation of the social order. Upon his dignity, his liberty, his inviolability depend the welfare of the people, the safety of the state and the peace of the world.

The Franco government has attacked these basic rights of the people of Spain.

Our contempt for the Franco dictatorship, however, does not blind us to the difficulties facing those who, by the employment of drastic measures, would endeavour to assist the Spanish people to recover their rights.

In a better organized world, in a world free from the tremendous burdens of reconstruction which today face us all, the boomerang effects of economic sanctions would not be as important as they are today. In more normal times we might more readily discover practical means of assisting the people of Spain to gain their freedom without placing new burdens on those peoples who are still struggling under the miseries of five years of war.

We must not at this time, by interfering with the normal course of economic restoration, risk the loss of those improvements that have been achieved during the last eighteen months. With chaos still around us we must not run the risk of creating additional chaos.

Nor would the Canadian Government be prepared to share responsibility for the adoption of any policy that would cause, or be likely to cause, a revival of civil war in Spain. We are convinced that, deplorable as may be their present sufferings, the people of Spain would suffer even more if civil war were to flare up once again. Moreover, civil war is not likely to result in the establishment of a moderate and democratic regime. We do not wish to be instrumental in substituting one form of despotic or totalitarian rule for another. We want the Spanish people to enjoy the blessings of freedom—freedom from distastefulships whatever their form, by whatever name they may be called.

It has been proposed that the Members of the United Nations should sever diplomatic relations with the Franco Government. Whether such a step would be likely to weaken the internal position of the Franco dictatorship is, in our opinion, open to question. As Canada has no diplomatic relations with Spain this is not a question that affects us directly. Under these circumstances we would hesitate to advise others as to the course they should pursue. It is *possible* that the breaking of diplomatic relations would convince additional elements within Spain that their country can never enjoy normal relations with the rest of the world until it is freed from its present leadership. But it is *also possible* that such concerted action might be so exploited in the controlled press and radio of an insulated Spain that the dictatorship might actually bolster its defences by calling to its aid the national pride of the Spanish people.

The breaking of diplomatic relations is a traditional but, in our view, ineffective way of exerting pressure on a foreign government. It means that the outside world severs its connection with a government of which it disapproves at the very time that it is most important for the governments of the rest of the world to have direct knowledge of conditions in that country.

It should also be recognized that once the nations impose diplomatic sanctions, they may find it difficult not to go further when it is demonstrated that diplomatic sanctions *are* in fact ineffective. One step might lead to another with consequences which might be deplorable in the present state of the world.

The attitude of the Canadian Government can be summed up as follows:

We abhor the record and the present policies of the Franco dictatorship.

We earnestly hope that the Spanish people may be able to rid themselves of Franco by peaceful means and establish a democratic, responsible and enlightened administration.

We are *not* prepared to support at this time outside intervention in Spain which might impede European recovery, or revive in Spain the horrors and sufferings of civil war.

This is the Canadian position on Spain.

We therefore wholeheartedly support the second part of the United States resolution calling upon Franco to surrender his powers to a broadly based provisional government.

We cannot, however, support the first part of the United States resolution. We feel that the question of the participation of *any* state

which is not a Member of the United Nations in *any* specialized agency should be decided on one basis only—the practical advantages to the peoples of the United Nations of the government of *that* state being committed to the obligations of membership in *that* agency. This is the position which the Canadian Government has consistently maintained in the meetings of the Economic and Social Council and of the specialized agencies. In our opinion no useful purpose is served by limiting the scope or weakening the effectiveness of the specialized agencies in order to debar the Franco Government from the obligations of membership in them.

We, therefore, request that the resolution of the United States be voted upon in two parts so that we may be able to oppose the first part and give support to the second part.

B. Resolution of the Assembly, December 12, 1946

RELATIONS OF MEMBERS OF THE UNITED NATIONS WITH SPAIN

The peoples of the United Nations, at San Francisco, Potsdam and London, condemned the Franco regime in Spain and decided that, as long as that regime remains, Spain may not be admitted to the United Nations.

The General Assembly, in its resolution of 9th February, 1946, recommended that the Members of the United Nations should act in accordance with the letter and the spirit of the declarations of San Francisco and Potsdam.

The peoples of the United Nations assure the Spanish people of their enduring sympathy and of the cordial welcome awaiting them when circumstances enable them to be admitted to the United Nations.

The General Assembly recalls that, in May and June, 1946, the Security Council conducted an investigation of the possible further action to be taken by the United Nations. The Sub-Committee of the Security Council charged with the investigation found unanimously:

- (a) In origin, nature, structure and general conduct, the Franco regime is a Fascist regime patterned on, and established largely as a result of aid received from Hitler's Nazi Germany and Mussolini's Fascist Italy;
- (b) During the long struggle of the United Nations against Hitler and Mussolini, Franco, despite continued Allied protests, gave very substantial aid to the enemy Powers. First, for example, from 1941 to 1945, the Blue Infantry Division, the Spanish Legion of Volunteers and the Salvador Air Squadron fought against Soviet Russia on the Eastern front. Second, in the summer of 1940, Spain seized Tangier in breach of international statute, and as a result of Spain maintaining a large army in Spanish Morocco large numbers of Allied troops were immobilized in North Africa;
- (c) Incontrovertible documentary evidence establishes that Franco was a guilty party with Hitler and Mussolini in the conspiracy to wage war against those countries which eventually in the course of the world war became banded together as the United Nations. It was part of the conspiracy that Franco's full belligerency should be postponed until a time to be mutually agreed upon.

The General Assembly,

Convinced that the Franco Fascist Government of Spain, which was imposed by force upon the Spanish people with the aid of the Axis Powers and which gave material assistance to the Axis Powers in the war, does not represent the Spanish people, and by its continued control of Spain is making impossible the participation of the Spanish people with the peoples of the United Nations in international affairs;

Recommends that the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conference or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable government is formed in Spain.

Further desiring to secure the participation of all peace-loving peoples, including the people of Spain, in the community of nations,

Recommends that, if within a reasonable time, there is not established a government which derives its authority from the consent of the governed, committed to respect freedom of speech, religion and assembly and to the prompt holding of an election in which the Spanish people, free from force and intimidation and regardless of party, may express their will, the Security Council consider the adequate measures to be taken in order to remedy the situation;

Recommends that all Members of the United Nations immediately recall from Madrid their Ambassadors and Ministers plenipotentiary accredited there.

The General Assembly further recommends that the States Members of the Organization report to the Secretary-General and to the next session of the Assembly what action they have taken in accordance with this recommendation.

APPENDIX VI

INDIA'S COMPLAINT AGAINST SOUTH AFRICA

Canadian Statement, November 25, 1946

POLITICAL COMMITTEE

As it seems to me, we are all agreed that the item presently before this joint meeting has legal and political aspects of the first magnitude.

The Indian delegation has proposed that this Assembly call upon the South African Government to revise its policy in respect of Asiatics in general, and Indians in particular, and to report to the next Session of this Assembly the Action it has taken in this regard.

The South African delegation does not deny that there exists in South Africa legislation which discriminates against Indians. Nor has the delegation desired to preclude a full and free discussion of all aspects of the question at this joint meeting. Field-Marshal Smuts has, however, taken the position that the legislation referred to concerns matters which are essentially within the domestic jurisdiction of South Africa—matters in which this Assembly by virtue of paragraph 7 of Article 2 of the Charter, is not competent to intervene. He proposes, moreover, that this preliminary question of jurisdiction be referred to the International Court of Justice for an advisory opinion.

I must, at the outset, express full agreement with the delegate of China that the question of policy involved in this issue is of greater significance than the question of law. It does not follow, however, that we can neglect to give adequate consideration to the important question of jurisdiction with which we are undoubtedly faced.

I find myself in further agreement with the Chinese delegation that the "domestic jurisdiction" clause should not be given an extensive interpretation which would render meaningless or insignificant other important provisions of the Charter. The right of this Assembly to discuss and make recommendations for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations is of the utmost importance. This right, among many others, would be seriously impaired if too great an effect were given to paragraph 7 of Article 2.

It is worthy of note also that Article 1 of the Charter states in clear terms that it is a purpose of the United Nations to promote international co-operation in "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". This is an unqualified obligation which rests upon each Member of the United Nations. The Canadian delegation, in common with all other delegations, regards the promotion of international action in the field of human rights and freedoms as of the utmost importance in

the establishment and maintenance of a just and lasting peace. None of us would condone, or would wish to be construed as condoning, a breach of the Charter. We welcome wholeheartedly the plea of the United Kingdom delegate that the Human Rights Commission of the Economic and Social Council bend every effort to give definition to these rights and freedoms for consideration at the next session of this Assembly.

What I have said, however, does not and cannot eliminate the "domestic jurisdiction" clause from the Charter. This could only be done by a formal amendment of the Charter. It could, of course, as we have suggested, be given a restrictive interpretation. However, whatever our respective views on its meaning and scope, it cannot be disregarded as long as it remains in the Charter. We have before us a grave issue in which the clause has for the first time been invoked before this Assembly. It is of the utmost importance that its meaning and scope be given early and authoritative definition. It is equally important that a proper determination be made of whether the circumstances of the present case support the South African contention that the matter is essentially within the domestic jurisdiction of South Africa and that therefore this Assembly is precluded by the Charter from intervening in the manner proposed by the Indian delegation.

This is a difficult question of law, or perhaps more accurately, of mixed fact and law. The manner of its solution will establish a precedent—it will affect not only the present issue, but whatever corresponding issues may be brought before the Assembly in future. I do not think that it can be easily or hastily resolved.

The type of question is not unfamiliar to lawyers in the United States or Canada, or in other countries whose federal constitutions give certain powers to the national or central authority and other powers to state, provincial or other local authorities. Under these constitutions there are some matters which are clearly assigned to the central authority. Others are clearly assigned to local authorities. These present no difficulty. Certain matters, however, are so to speak, in a doubtful category—in some respects they seem to be within the competence of the central authority, and in other respects, within the competence of the local authorities. If an issue arises, it is customarily resolved by a reference to the appropriate judicial body, which examines the facts in relation to the law and determines whether, on balance (or "in pith and substance") the matter is within the competence of the central authority or otherwise. These are juridical issues of the utmost difficulty and importance.

It seems to the Canadian delegation that we have before us a preliminary question of jurisdiction which is not unlike the constitutional questions which arise from time to time in federal states such as the United States and Canada. There may of course be brought before this Assembly in future complaints of discrimination in which there would be no doubt as to the Assembly's right of intervention; cases, for instance, in which there has been a clear breach of a treaty obligation or a flagrant violation of elementary human rights. Other cases may be brought forward in which the "domestic jurisdiction" clause would appear to govern: the discriminatory laws or practices impugned may not involve a treaty

violation and may be so temporary or local in character, or so minor in importance, that the Assembly would not have the right to intervene under the Charter.

Between these extremes there is an area of doubt—a twilight zone—in which the present issue appears to fall. What is obviously required is a *proper* determination of the facts, an *authoritative* exposition of the law and a *judicial* application of the law to the facts so determined. If the Assembly is to deal with the substance of this case, it is necessary to ascertain among other things, the nature and extent of the discriminatory laws in force in South Africa, the circumstances attending their enactment, the status of the 'Capetown' and other alleged intergovernmental agreements or arrangements involved, the meaning and scope of the "domestic jurisdiction" clause, and, finally, the answer to the question whether the Assembly, in the circumstances, is competent to intervene.

There is in existence a body set up by the United Nations for the express purpose of exercising these essentially judicial functions. I refer, of course, to the International Court of Justice.

The Court is organized and it awaits judicial business. It is competent to settle authoritatively the various questions involved. Under Article 96 of the Charter, the Assembly may request the Court "to give an advisory opinion on any legal question". Article 50 of the Statute of the Court gives the Court power, at any time, to "entrust any individual, body, bureau, commission or other organization that it may select with the task of carrying out an enquiry or giving an expert opinion."

I do not believe that it can be seriously contended that this joint meeting of the First and Sixth Committees would be more competent than the International Court of Justice to settle this preliminary issue. This joint meeting is, after all, not organized to make judicial decisions in matters which are difficult of solution and of far-reaching importance—matters in which both the facts and the law are obscure. Nor is the atmosphere of large committees conducive to the dispassionate reflection which should precede considered judgment.

Should we not, therefore, make early and proper use of the complete judicial machinery which we have set up for the settlement of just such questions as the present one? Not only would we be entitled to expect a definitive answer to our questions, but we would thereby demonstrate unmistakably our confidence that the International Court can effectively exercise, in international jurisdictional issues, the same sort of judicial function as is exercised by national courts in federal states.

I feel sure that all Members of the United Nations want to see the rule of law established and applied in international affairs.

We all want to see the Court, and indeed all the juridical functions of the United Nations, strengthened as far as possible. In my view, this Assembly would set a most valuable precedent if it were to refer to the International Court of Justice, for determination before the next session of the Assembly, the mixed questions of fact and law involved in India's complaint against South Africa.

In short, the Canadian delegation feels that this Assembly might be committing an injustice if at this session, on an issue in which both the facts and the law are in dispute, it were to pass what is in effect a vote of censure on South Africa.

With deference, I submit that this meeting has not given adequate recognition to the conciliatory aspect of the position taken by the Field-Marshal. Though he has argued that this Assembly has *no* right to intervene in this matter and that, since this is a matter which is essentially of domestic jurisdiction, this Assembly is debarred by the Charter from even discussing it, much less passing a recommendation on it, he has nevertheless not only welcomed a full discussion by this meeting, but has himself proposed that the preliminary question of jurisdiction be referred to the International Court. He has done so in the knowledge that the Court might, if it considers it wise, send to South Africa an international, expert and impartial committee of inquiry to ascertain the facts, and he has stated that South Africa would abide by the decision of the Court. I suggest that this joint meeting recommend that the Assembly adopt the proposal made by the Field-Marshal.

I feel confident that, if the Court decides that there exist grievances with which the Assembly is entitled to deal, they will be dealt with as speedily and effectively as if we were to pass at this time a resolution which South Africa might regard as beyond the competence of the Assembly.

APPENDIX VII

HUMAN RIGHTS

A. Statement of Essential Human Rights

(Drafted by a committee appointed by the American Law Institute and submitted to the General Assembly by the Delegation of Panama.)

PREAMBLE

Upon the freedom of the individual depends the welfare of the people, the safety of the state and the peace of the world.

In society complete freedom cannot be attained; the liberties of the one are limited by the liberties of others, and the preservation of freedom requires the fulfilment by individuals of their duties as members of society.

The function of the state is to promote conditions under which the individual can be most free.

To express those freedoms to which every human being is entitled and to assure that all shall live under a government of the people, by the people, for the people, this declaration is made.

Article 1. Freedom of belief and of worship is the right of every one. The state has a duty to protect this freedom.

Article 2. Freedom to form and hold opinions and to receive opinions and information is the right of every one. The state has a duty to protect this freedom.

Article 3. Freedom of expression is the right of every one. The state has a duty to refrain from arbitrary limitation of this freedom and to prevent denial of reasonable access to channels of communication.

Article 4. Freedom to assemble peaceably with others is the right of every one. The state has a duty to protect this freedom.

Article 5. Freedom to form with others associations of a political, economic, religious, social, cultural, or any other character for purposes not inconsistent with these articles is the right of every one. The state has a duty to protect this freedom.

Article 6. Freedom from unreasonable interference with his person, home, reputation, privacy, activities, and property is the right of every one. The state has a duty to protect this freedom.

Article 7. Every one has the right to have his criminal and civil liabilities and his rights determined without undue delay by fair public trial by a competent tribunal before which he has had opportunity for a full hearing. The state has a duty to maintain adequate tribunals and procedures to make this right effective.

Article 8. Every one who is detained has the right to immediate judicial determination of the legality of his detention. The state has a duty to provide adequate procedures to make this right effective.

Article 9. No one shall be convicted of crime except for violation of a law in effect at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that applicable at the time of the commission of the offence.

Article 10. Every one has the right to own property under general law. The state shall not deprive any one of his property except for a public purpose and with just compensation.

Article 11. Every one has the right to education. The state has a duty to require that every child within its jurisdiction receive education of the primary standard; to maintain or insure that there are maintained facilities for such education which are adequate and free; and to promote the development of facilities for further education which are adequate and effectively available to all its residents.

Article 12. Everyone has the right to work. The state has a duty to take such measures as may be necessary to insure that all its residents have an opportunity for useful work.

Article 13. Every one has the right to reasonable conditions of work. The state has a duty to take such measures as may be necessary to insure reasonable wages, hours, and other conditions of work.

Article 14. Every one has the right to adequate food and housing. The state has a duty to take such measures as may be necessary to insure that all its residents have an opportunity to obtain these essentials.

Article 15. Every one has the right to social security. The state has a duty to maintain or insure that there are maintained comprehensive arrangements for the promotion of health, for the prevention of sickness and accident, and for the provision of medical care and of compensation for loss of livelihood.

Article 16. Everyone has the right to take part in the government of his state. The state has a duty to conform to the will of the people as manifested by democratic elections.

Article 17. Every one has the right to protection against arbitrary discrimination in the provisions and application of the law because of race, religion, sex or any other reason.

Article 18. In the exercise of his rights every one is limited by the rights of others and by the just requirements of the democratic state.

B. Resolution of the Assembly, December 11, 1946

DRAFT DECLARATION ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The General Assembly,

Whereas the Economic and Social Council has established a Commission on Human Rights and resolved that the work of the Commission shall be directed towards submitting proposals, recommendations and reports to the Council concerning an international bill of rights:

Resolves therefore to refer the draft Declaration on fundamental human rights and freedoms to the Economic and Social Council for reference to the Commission on Human Rights for consideration by the Commission in its preparation of an international bill of rights;

Expresses the hope that the question will be referred back to it in order that it may be included in the agenda of the second regular session of the General Assembly.

C. Commission on Human Rights¹

1. FUNCTIONS

(1) The work of the Commission shall be directed towards submitting proposals, recommendations and reports to the Council regarding:

- (a) an international bill of rights;
- (b) international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters;
- (c) the protection of minorities;
- (d) the prevention of discrimination on grounds of race, sex, language or religion.

(2) The Commission shall make studies and recommendations and provide information and other services at the request of the Economic and Social Council.

¹Part 1 is from the Economic and Social Council's resolution of February 16, 1946, as revised by the Council's resolution of June 21, 1946. The remaining parts are from the resolution of June 21, 1946.

The present membership of the Commission is:

State	Term of Office	Representative
Australia	4 years	Col. W. R. Hodgson
Belgium	4 years	M. Fernand Dehousse
Byelorussia	2 years	Mr. V. K. Prokoudovitch
Chile	4 years	H. E. Mr. Felix Nieto del Rio
China	2 years	Dr. P. C. Chang
Egypt	3 years	M. Saad Kamel
France	3 years	Prof. René Cassin
India	3 years	Mr. K. C. Neogy
Iran	3 years	
Lebanon	2 years	Dr. Charles Malik
Panama	2 years	Mr. R. J. Alfaro
Philippines	4 years	The Hon. C. P. Romulo
Ukraine	3 years	Mr. G. D. Stadnik
United Kingdom	2 years	Mr. Charles Dukes
U.S.A.	4 years	Mrs. Eleanor Roosevelt
U.S.S.R.	3 years	Mr. V. F. Tepliakov
Uruguay	2 years	Dr. Don José Mora Otero
Yugoslavia	4 years	Mr. M. Stilinovic

The officers of the Commission are:

Chairman, Mrs. Roosevelt,
 Vice-Chairman, Dr. Chang,
 Rapporteur, Dr. Malik,
 Secretary, Professor J. P. Humphrey.

Representatives of the following organizations attend the meetings of the Commission: the I.L.O., UNESCO, the American Federation of Labor, the W.F.T.U., and the International Cooperative Alliance.

(3) The Commission may propose to the Council any changes in its terms of reference.

(4) The Commission may make recommendations to the Council concerning any subcommission which it considers should be established.

2. COMPOSITION

(a) The Commission on Human Rights shall consist of one representative from each of eighteen Members of the United Nations selected by the Council.

(b) With a view to securing a balanced representation in the various fields covered by the Commission, the Secretary-General shall consult with the Governments so selected before the representatives are finally nominated by these governments and confirmed by the Council.

(c) Except for the initial period, the term of office shall be for three years. For the initial period, one-third of the members shall serve for two years, one-third for three years, and one-third for four years, the term of each member to be determined by lot.

(d) Retiring members shall be eligible for re-election.

(e) In the event that a member of the Commission is unable to serve for the full three-year term, the vacancy thus arising shall be filled by a representative designated by the Member Government, subject to the provisions of paragraph (b) above.

3. WORKING GROUPS OF EXPERTS

The Commission is authorized to call in *ad hoc* working groups of non-governmental experts in specialized fields or individual experts, without further reference to the Council, but with the approval of the President of the Council and the Secretary-General.

4. DOCUMENTATION

The Secretary-General is requested to make arrangements for:

- (a) the compilation and publication of a year-book on law and usage relating to human rights, the first edition of which should include all declarations and bills on human rights now in force in the various countries;
- (b) the collection and publication of information on the activities concerning human rights of all organs of the United Nations;
- (c) the collection and publication of information concerning human rights arising from trials of war criminals, quislings, and traitors, and in particular from the Nuremberg and Tokyo trials;
- (d) the preparation and publication of a survey of the development of human rights;
- (e) the collection and publication of plans and declarations on human rights by specialized agencies and non-governmental national and international organizations.

5. INFORMATION GROUPS

Members of the United Nations are invited to consider the desirability of establishing information groups or local human rights committees within their respective countries to collaborate with them in furthering the work of the Commission on Human Rights.

6. HUMAN RIGHTS IN INTERNATIONAL TREATIES

Pending the adoption of an international bill of rights, the general principle shall be accepted that international treaties involving basic human rights, including to the fullest extent practicable treaties of peace, shall conform to the fundamental standards relative to such rights set forth in the Charter.

7. PROVISIONS FOR IMPLEMENTATION

Considering that the purpose of the United Nations with regard to the promotion and observance of human rights, as defined in the Charter of the United Nations, can only be fulfilled if provisions are made for the implementation of human rights and of an international bill of rights, the Council requests the Commission on Human Rights to submit at an early date suggestions regarding the ways and means for the effective implementation of human rights and fundamental freedoms, with a view to assisting the Economic and Social Council in working out arrangements for such implementation with other appropriate organs of the United Nations.

8. SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

(a) The Commission on Human Rights is empowered to establish a Sub-Commission on Freedom of Information and of the Press.

(b) The function of the Sub-Commission shall be, in the first instance, to examine what rights, obligations, and practices should be included in the concept of freedom of information, and to report to the Commission on Human Rights on any issues that may arise from such examination.

9. SUB-COMMISSION ON PROTECTION OF MINORITIES

(a) The Commission on Human Rights is empowered to establish a Sub-Commission on the Protection of Minorities.

(b) Unless the Commission otherwise decides, the function of the Sub-Commission shall be, in the first instance, to examine what provisions should be adopted in the definition of the principles which are to be applied in the field of protection of minorities, and to deal with the urgent problems in this field by making recommendations to the Commission.

10. SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION

(a) The Commission on Human Rights is empowered to establish a Sub-Commission on the prevention of discrimination on the grounds of race, sex, language, or religion.

(b) Unless the Commission otherwise decides, the function of the Sub-Commission shall be, in the first instance, to examine what provisions should be adopted in the definition of the principles which are to be applied in the field of the prevention of discrimination, and to deal with the urgent problems in this field by making recommendations to the Commission.

APPENDIX VIII

RIGHTS AND DUTIES OF STATES

Draft Declaration of the Rights and Duties of States

(Submitted by the Delegation of Panama)

1. Every state has the right to exist and the right to protect and preserve its existence; this right does not however, imply that a state is entitled to commit, or justified in committing, unjust acts towards other states in order to protect and preserve its existence.

2. Every state is entitled to have its existence recognized. The recognition of the existence of a state merely signifies that the state recognizing it accepts the person of the state recognized, together with all the rights and duties which arise out of international law. Recognition is unconditional and irrevocable.

3. The political existence of the state is independent of its recognition by other states. Even before it has been recognized, the state has the right to defend its integrity and independence, to provide for its preservation and prosperity and, consequently, to organize itself as it sees fit, to legislate in regard to its interests, to administer its services and to determine the jurisdiction and competence of its courts of justice.

4. Every state has the right to its own independence in the sense that it is free to provide for its own well-being and to develop materially and spiritually without being subjected to the domination of other states, provided always that, in so doing, it shall not impair or violate the legitimate rights of other states.

5. No state has the right to interfere in the internal or external affairs of another state.

6. Every state is, in law and before the law, equal to all the others which make up the community of states, and has the right to claim and assume, as among the powers of the world, that position of equality to which natural law entitles it.

7. Every state is entitled to exercise exclusive jurisdiction over its territory and over all nationals or foreigners within that territory. Foreigners may not claim rights different from, or more extensive than, those enjoyed by nationals.

8. Every state is entitled to intervene with another state in favour of its own nationals, acting through diplomatic channels and in a reasonable and courteous manner; it is its duty to refrain from alleging any denial of justice so long as its nationals have not claimed the right which they allege to possess from the courts of justice of the state to which such diplomatic representations are being made; if, however, this state should deny the foundation of fact or law of the intervention, and the intervening state does not accept this denial, it may only resort to the procedure of peaceful settlement for the solution of the dispute.

9. Any state which has a right under international law, is entitled to have this right respected and protected by all the other states, since rights and duties are correlative, and the right of one creates for the others the duty to respect it.

10. No other limit is set to the exercise of the rights of a state than the exercise of the rights of other states, in accordance with international law. It is the duty of every state not to overstep this limit.

11. It is the duty of every state to fulfil, in good faith, the obligations arising from public treaties, and to respect the sanctity of the pledged word.

12. It is the duty of every state to discharge, in good faith, its obligations under international law, and it may not plead limitations arising out of its own constitution or its laws as an excuse for failure to discharge this duty.

13. The sovereignty of the state is subject to the limitations of international law, and it is the duty of every state to adjust its conduct to international law in its relations with other states and with the community of states.

14. International law is at once national and international. It is national in the sense that it is the law of the country and that it is the duty of the state to apply it as such in solving questions concerned with its principles; it is international in the sense that it is the law of the community of states and that it is the duty of each state to apply it to all questions which arise among the members of that community and which are concerned with its principles.

15. It is the duty of every state to settle its international disputes by peaceful means and in such a manner that neither peace and security nor justice are imperilled.

16. It is the duty of every state to refrain from the use of war of aggression as an instrument of national or international policy, and from resorting to the threat or use of force against the territorial integrity and political independence of another state, or for the recovery of public debts from another state, or in any other form which is inconsistent with international order.

17. Every state has the inherent right of individual or collective legitimate defence, and in the exercise of this right, it may use force to counter the unauthorized use of force by another state, provided that it shall immediately advise the competent organ of the community of states.

18. It is the duty of every state to refrain from recognizing territorial acquisitions obtained through force or the threat of force.

19. It is the duty of every state to afford the community of states every kind of assistance in whatever action that community undertakes, and it should abstain from rendering assistance to any state against which the community is conducting preventive or coercive action.

20. It is the duty of every state to take, in co-operation with other states, the measures prescribed by the competent organs of the community of states in order to prevent or put down the use of force by a state in its relations with another state, or in the general interest.

21. It is the duty of every state to ensure that the conditions prevailing within its territory do not threaten international peace and order and, to that end, it must treat its own population in a manner which does not violate the dictates of humanity and justice, or offend the conscience of mankind.

22. It is the duty of every state to ensure that, within its own territory, no activities are organized for the purpose of fomenting civil strife within the territory of another state.

23. Every state has the right of access, on equal terms, to the trade, commodities and raw materials of the world which are necessary to its economic prosperity.

It is the duty of every state to eliminate from its economic activity every artificial means tending to establish differences in the acquisition of the natural products of the soil of another state, and to refrain from exercising control over means of transport, from restricting trade, or from bringing about restrictions in commercial credit and currency of another state.

24. It is the duty of every state to refrain from concluding with other states agreements, the observance of which is inconsistent with the discharge of its obligations under international law or under the constituent pact of the community of states.

APPENDIX IX

REFUGEES AND DISPLACED PERSONS

A. Canadian Statements

SOCIAL COMMITTEE, November 8, 1946

...During all the conferences which have been held on this subject the Government of Canada has consistently taken the position that the question of refugees should be solved through international action. Moreover, the condition of the vast number of refugees and displaced persons now homeless in Europe cannot be considered as an isolated question; it must be considered as part of the whole problem of relief and rehabilitation which is the inevitable legacy of war. Surely, if this is true, it is imperative for us to approach the question of refugees with sympathetic concern rather than with the cold detachment of the trained debater. Months have passed since the United Nations first discussed this problem. Yet no organization has yet been formed and no substantial progress has been made in alleviating the condition of these people. The matter is one of great urgency. Let us then work together as expeditiously as possible, in a spirit of co-operation and of good-will.

The refugee problem has been discussed so fully that it should not be necessary for us to reiterate again all the various arguments which have been made before. A considerable measure of agreement has now been reached. If I correctly interpret the sense of previous discussions, agreement has become very general on four major points: the problem of refugees is an international responsibility; voluntary repatriation should be carried out to the fullest possible extent; no genuine refugee, as distinguished from a war criminal, should be forced to return to his country of origin against his will; no aid should be extended to war criminals, quislings or traitors.

This area of agreement is sufficiently broad to give us the promise of a truly international organization, backed up by strong public opinion. Yet before this can be achieved there are three main subjects on which final agreement will have to be reached during this Assembly meeting. These are: the draft constitution of the International Refugee Organization as submitted to the Assembly by the Economic and Social Council; the creation of a Preparatory Commission, whose function will be to expedite the establishment of the new organization; and the approval of the provisional administrative and operational budgets for the International Refugee Organization.

The Canadian Government has consistently supported the establishment of the International Refugee Organization. Yet we believe that further discussion will be required in this Committee to clarify some of the clauses in the constitution as it now stands. The relationship between

the Executive Committee and the General Council does not seem perfectly defined at the present time; nor is the constitution entirely clear as to the methods by which personnel will be recruited to carry out the functions of the organization. The Canadian delegation feels, moreover, that the constitution should be strengthened in such a way as to make the signature and approval of the constitution carry with it the obligation to contribute to its support. The new organization will not be able to carry passengers. I am sure the various delegations represented here will agree that it would be most individous if any state were able to be a party to the constitution with a reservation which would in effect allow it to avoid financial contributions. However, I believe that agreement can be reached on these and other similar points through frank and friendly discussion at this Committee.

With reference to the proposed interim arrangements, a number of questions seem to require further examination. Among these are the competence and capacity of such bodies as UNRRA and the Intergovernmental Committee on Refugees to continue their functions prior to the actual establishment of the International Refugee Organization. We will have to examine in detail the status and the functions of the suggested Preparatory Commission; and to consider the exact procedure by which the Preparatory Commission will terminate its activities and the Executive Committee, General Council, and the Director-General of the International Refugee Organization take them over. If these and other points are satisfactorily dealt with in the Committee, the Canadian delegation hopes to be in a position at this session of the Assembly, to sign with other delegations, an interim arrangement bringing into existence a Preparatory Commission of the International Refugee Organization.

The third topic concerning refugees which will receive extensive consideration at the Assembly meeting will be an examination of the provisional budget of the International Refugee Organization. The budget of the International Refugee Organization will need the most careful examination both with respect to the scales of contributions recommended for administrative and operational expenditures and the actual amounts estimated for administration, care and maintenance, repatriation, re-settlement, and the other similar figures for the first financial year of the International Refugee Organization's existence. Towards this budget, as towards the other budgets of the United Nations and its specialized agencies, the attitude of the Canadian delegation is plain and straightforward. We are prepared to accept, as we have accepted in the past, our full share of the responsibility for the financial expenditure required to make the United Nations and its specialized agencies fully effective. Subject to this, we wish to examine, in co-operation with the other delegations, all such estimated budgets in order to ensure that they are both economical and well planned. In this connection, I believe you will permit me to observe, Mr. Chairman, that no nation has more consistently and more faithfully honoured its obligations than Canada in meeting the various expenses required for the proper functioning of the United Nations and its specialized agencies.

In the first part of this speech, I referred to the necessity for urgent action rather than repetitious argument if we are to solve the refugee problem. Such a statement would be empty unless the government I

represent had already taken some considerable steps in this direction. On a previous occasion, I mentioned the arrangement by which 3,500 persons, who were granted temporary refuge in Canada during the war, were later given permanent residence in our country, and also the recent decision of the Canadian Government to admit as farm workers 4,000 ex-members of the Polish Armed Forces, who had engaged in hostilities against the Axis powers.

I would now like to refer to the most recent contribution which Canada has made. Yesterday, my Prime Minister made public a plan to make possible the movement to Canada, under existing immigration regulations, of some of the refugees and displaced persons now in displaced persons camps in Europe.

By a recent change in Canadian immigration regulations (effected by Order in Council No. P.C. 2071 of May 28, 1946) provision was made for the admission to Canada of certain categories of close relatives of Canadian residents who are in a position to care for them. The following additional classes of persons were declared admissible to Canada under this change in the regulations:

The father or mother, the unmarried son or daughter eighteen years of age or over, the unmarried brother or sister, the orphan nephew or niece under sixteen years of age, of any person legally admitted to and resident in Canada, who is in a position to receive and care for such relatives.

Many persons on whose behalf applications have thus been made are refugees. They are now in displaced persons camps in the occupied zones or they are otherwise under the care of such organizations as UNRRA. In the past there has been no way in which these people could receive the necessary immigration inspection prior to proceeding to Canada, nor has there been any organization capable of arranging for their movement to Canada.

The Canadian Government has now completed arrangements with the Intergovernmental Committee on Refugees by which it is expected that some of these refugees, whose relatives in Canada have applied for their admission, will be enabled to proceed to Canada. Lists of persons on whose behalf applications have been made will be forwarded to the Director of the Intergovernmental Committee on Refugees. These persons will be located, identified and gathered into convenient centres in occupied territories by the Intergovernmental Committee, and they will subsequently be visited and inspected by teams of immigration officials sent especially from Canada for this purpose. The Intergovernmental Committee on Refugees will then give whatever assistance is possible in arranging for the movement to Canada of persons whose entry has been approved.

Preliminary arrangements for the purpose of bringing this plan into effect will be made at once, and the co-operation of the appropriate military authorities in Germany is now being sought. It is not expected, however, that it will be possible for persons in the occupied zones of Germany to be inspected for some time.

The despatch of teams of immigration inspection officers to occupied territories is a special measure taken in view of the difficult conditions in these areas, and because of the desire of the Canadian Government to make:

a contribution to the solution of the refugee problem. It is not intended that the inspection of immigrants by travelling inspection teams will be a procedure normally adopted by the Canadian immigration authorities.

In view of the present housing shortage existing in Canada, as in so many other countries, and in view of the rigorous nature of our climate during the winter months, it would not be helpful for the Canadian Government to accept more refugees and displaced persons than can be provided with adequate shelter. For the same reasons, no further extension of Canadian immigration regulations to admit categories of persons not now admissible can be considered until there has been a substantial easing of our shelter problems. We in Canada are building as rapidly as manpower and materials will permit but much still remains to be done before we have caught up with the urgent housing requirements which already exist. Any plans for bringing refugees to Canada which overlooked this vital factor of housing would be unfair both to the refugees themselves and to the Canadian people.

Mr. Chairman, my argument has been throughout directed towards the compelling urgency of this problem. Thousands of homeless and stateless persons in Europe, together with their friends and relatives on this side of the ocean, are eagerly awaiting early action by us and are watching the deliberations of this Committee with close interest. I would urge upon my colleagues that we establish the International Refugee Organization as quickly and on as broad a basis as we can to meet this very great problem. I have made clear the position of the Canadian delegation. We are eager and anxious to see the United Nations effectively co-operate in this field and believe that, in a spirit of friendly good-will, we can achieve much during this meeting of the Assembly.

PLENARY MEETING OF THE GENERAL ASSEMBLY, DECEMBER 15, 1946

Mr. Martin (Canada): Following as I do the representative of the USSR at this rostrum, I would remind the Assembly not to forget the words of that great woman, Mrs. Roosevelt, when she introduced the discussion which is now under way. Everything that has been said by the last speaker, may or may not be true, may or may not be accurate, but it hardly touches the issue which we are called upon to deal with in considering the proposed constitution of the International Refugee Organization.

The great issues of disarmament, the veto and all these things have a long-term value and are of great importance but we are dealing now, immediately, as Mrs. Roosevelt said, with one of the unfinished tasks of the war and it would not do for us to debate this issue much longer for over a million people are looking to us for action to determine their fate. As Mrs. Roosevelt said, we are not passing judgment on the plan to take care of refugees. That plan will be submitted for final approval, or rejection by governments. But we have now had a long interminable discussion on the constitution of the IRO, in which those who have had varying views have had an opportunity of presenting them.

Last September, in the Economic and Social Council, following the meetings in London, we debated this constitution in great detail.

It was debated again in the Third Committee and I think that, enjoying as we do in this international Assembly the normal processes of decision and bearing in mind the urgency of this problem, we should be prepared to give it immediate acceptance so that the Organization can get on its way. Therefore, my country joins with the United States and that distinguished citizen of that country in urging this Assembly to realize the great opportunity for deep service that it has regarding this great issue.

There is no question in this Organization or in this proposed constitution to interfere with the right of voluntary repatriation. That right is sacredly observed but, on the other hand, while that right is observed, it is also insisted that there shall be no group of people within the refugee class who shall be forcibly repatriated. Surely, those two principles, the one of voluntary repatriation and the other that there should be no compulsory repatriation, are two principles which would be basic in the operations of any international refugee organization. There is no intention in the constitution of the IRO to give to men and women who have proved themselves quislings or traitors the right to enjoy the advantages of the other persons in the refugee camps. Those people will be placed under proper consideration for the determination as to whether or not it is justified to accuse them of having been quislings or traitors. What it is proposed to do in this constitution is nothing more than to meet the immediate problem of giving relief to a million men and women in the world who have the right to ask of an international assembly that their plight should not be overlooked.

I joined with the representative of the USSR and with a great number of other countries in urging the United States and the United Kingdom to set up a post-war relief organization on an international basis. I do not think any country was more active in that plea than Canada. Is it too much that I should renew that plea to others in respect of another problem which requires, I think, international action? If there was justification for urging that post-war relief, following the cessation of the operations of UNRAA, should be organized on an international basis—is it too much to ask that this vital problem—and that is what it is—shall be dealt with by an international organization and by international action?

Our delegation has had the opportunity in the Third Committee of expressing its views on the various articles of the IRO constitution and has done so. It is only because we attach so much importance to this subject that I think it is essential that we state here in this plenary session our reasons for voting in favour of the IRO, as we have done in the Committee and as we shall do in this Assembly meeting. Like the representative of the United States, I am able to say that my government has issued full powers to enable Canada to sign the constitution.

During the long discussions which have been held in the Third and the Fifth Committees, our delegation has consistently supported the establishment of the IRO. Our belief is that the problem of refugees should be dealt with as early as possible and on an international basis. Hundreds of thousands of people—and one cannot underline that too much—hundreds of thousands of human beings now in Europe and in the Far East are watching with vital interest the action which the United Nations is going to take in this matter. I have used the word “vital” not as a mere figure of speech but in its true sense, for the very lives of many of these people may depend

on what course we adopt. This is true not only with regard to the approval of this report but even more so concerning the willingness of governments to implement these decisions by participating fully in the functions of the new organization.

This question has been heatedly debated in many places. All points of view have been expressed and all Member nations, including a number of states who have indicated that they do not intend to vote in favour of the IRO constitution, have had a hand in its drafting. Surely it is now time for us to pass on from the stage of committees and sub-committees and drafting sub-committees to the stage of positive action. So far scarcely a single refugee has actually been aided by the United Nations, despite the millions of words which have been spoken saying how urgent this problem is. These words are true but they do not in themselves solve anything. Enough words have been spoken. Let us then get on with the great social task which is before us.

Is our course of action as the United Nations, set up to deal with problems of an international character, not clear? The General Assembly must first of all, and I am sure it will, approve this report calling on Member nations to sign the constitution of the IRO and the protocol on interim arrangements. By voting favourably on this report we come nearer to the action I have mentioned, but still ahead will be the difficult problem of having a sufficient number of states sign and approve the constitution to bring it into force. In order to do so, as the constitution now stands, fifteen such states, whose required contributions to part I of the operational budget are not less than seventy-five per cent of the total, must become parties to it.

We all know of cases where resolutions have been adopted by overwhelming majorities in the General Assembly only to have a long period of waiting while governments decide whether they should take the necessary legislative action to implement the Assembly's recommendations. No one will advocate that the IRO constitution should be hurried through the legislature of any country without proper scrutiny. Yet its early implementation is absolutely essential, if it is to function at all. What use will it be if this organization comes into force eighteen months or more after the General Assembly has recommended it? What will be the condition of the refugees and displaced persons themselves during this period? Eighteen months is a long time and during this period who can believe that bitterness and cynicism will not infect the camps and the persons in them? Many of these people have already spent years in their present condition. If the Member governments delay action, after the passing of this resolution, there can be little doubt that the social consequences of such a delay will be world-wide in their effect, and they will have deep implications for the United Nations.

I have said enough concerning the urgency of this problem and of the necessity for giving practical implementation to the constitution and the interim arrangements. I want to say something about Canada's specific attitude towards the constitution itself.

We voted for the constitution in the Third Committee, but in doing so we made it plain that it contained certain clauses which we did not like and which we had spoken against during the committee debates.

One such clause is the amendment to article 10, paragraph 4, providing that contributions to large-scale resettlement expenditures shall be on a voluntary basis. This is against the principle which the Canadian delegation hoped to see adopted, that is, that contributions to all the various budgets of the IRO should be on an obligatory basis according to the scales contained in annex II. We stated then, and I again state now, that the new organization will not be able to carry passengers, and that each state which signs and approves the constitution should be prepared to contribute both financially and in other ways to its implementation. For this reason we advanced an amendment to the article on "entry into force" which would have disallowed approval of the constitution accompanied by any financial reservations. The Third Committee saw fit to reject this amendment. We believe this was a mistake but we shall, nevertheless, vote for the constitution. For we are aware that it is a compromise between fifty-four states and that on specific points many individual countries will have to accede to the wishes of the majority. This is our conception of normal international procedure.

Another amendment against which the Canadian delegation spoke and which we thought it was unwise for the Third Committee to adopt was that which is now contained in annex I, paragraph 1 (g) concerning general principles. This amendment would inhibit the IRO from resettling or re-establishing refugees in non-self-governing territories if such plans were opposed by states adjacent to the non-self-governing territory concerned. The Canadian delegation believes that the IRO should function in such a way as not to disturb friendly relations between the nations. Yet I have some apprehension that the effect of the clause I have just referred to will be to curtail greatly the resettlement operations of the IRO.

There are two examples of amendments which were adopted against what we thought would have been a wiser course. There are several others but it is unnecessary to enumerate them at this time. Our position is clear. Like nearly every delegation in the Third Committee there are certain things about the IRO and its constitution which we do not like. Yet, in spite of this, we voted in favour of it because we thought it did provide machinery which could and should be set up to deal with this tremendous humanitarian problem on an international basis. Some other delegations took a different line and stated, in effect, that because their amendments had not been adopted they would not approve the constitution. In my view we cannot afford in our deliberations to overlook the fact that any document and any resolution approved by fifty-four states is a compromise and that there will be parts of it which we may all dislike individually. But a spirit of compromise must prevail if we are going to do the job.

We regard the IRO constitution as a guide for future operations rather than as an unchangeable text. The constitution provides for its own amendment under the clauses of article 16. Meantime we conceive its proper role to be that of a compact drawn up between friends to guide them in their joint efforts in dealing with a great world social problem. It is in this spirit that my country voted in favour of the constitution before and it is in this spirit that we shall vote again to-day.

I have made clear the position my delegation intends to take and the reasons. I have only one word to add. Beyond everything, we want to emphasize the necessity of making this organization a reality and not merely a legal fiction. Here is one way of dealing with a grave international problem under the auspices of an international organization. It seems to me, for this Assembly, a great test, and I trust that we shall meet it.

B. Resolution of the Assembly, December 15, 1946

The General Assembly,

Noting that action has been taken pursuant to the resolution concerning refugees and displaced persons adopted by the General Assembly on February 12, 1946, as follows:

- (a) the establishment by the Economic and Social Council of a Special Committee on Refugees and Displaced Persons under a resolution of the Council of February 16, 1946;
- (b) the making of a report by the Special Committee to the second session of the Council;
- (c) the adoption of a draft Constitution for an International Refugee Organization and the creation of a Committee on the Finances of the International Refugee Organization by the Council under a resolution of the Council of 21st June, 1946;
- (d) the circulation to Members of the United Nations for their comments of the draft Constitution and the report of the Committee on Finances of the International Refugee Organization;
- (e) the final approval by the Council of the Constitution, and of a provisional budget for the first financial year, the adoption by the Council of an Arrangement for a Preparatory Commission, and the transmittal of both these instruments to the General Assembly, under resolution of the Council of 3rd October, 1946;

Having considered the Constitution of the International Refugee Organization and the Arrangement for a Preparatory Commission as approved by the Economic and Social Council;

Considering that every effort should be made to provide for the early establishment of the International Refugee Organization and the provision of measures during the interim period designed to facilitate such establishment:

Therefore,

- (a) *Approves* the Constitution of the International Refugee Organization and the Arrangement for a Preparatory Commission as annexed hereto;¹
- (b) *Requests* the Secretary-General to open these two instruments for signature and, in the case of the Constitution, to open it for signature either with or without reservation as to subsequent acceptance;
- (c) *Urges* Members of the United Nations to sign these two instruments and, where constitutional procedures permit, to sign the Constitution without reservation as to subsequent acceptance;

¹Not printed.

- (d) *Authorizes* the Secretary-General to make such staff available to the Preparatory Commission as may be deemed necessary and desirable;
- (e) *Urges* Members of the United Nations to give the most favourable consideration to receiving each into its territory at the earliest possible time, so far as may be practicable for permanent resettlement, its fair share of the non-repatriable persons who are the concern of the International Refugee Organization and this in conformity with the principles of the Organization.

APPENDIX X

RELIEF

A. Canadian Statement, November 16, 1946

The Canadian delegation feels that since Canada is the third largest contributor to UNRRA both in its share of the costs and as an actual supplier of goods, the Committee should know the Canadian view on this important problem. Narrowed down the central problem is the method of meeting such relief needs as may exist in the year 1947. There appears to be complete acceptance of the existence of need and, while there are collateral questions of the extent of those needs and the determination of countries which may require relief, the central question is clearly: should the problem be met by the United Nations acting in concert or by some other arrangement between supplying and receiving countries?

To do this job UNRRA had to be a vast affair and it kept on becoming an ever more complex one as well. It had not only to procure but it had to arrange overseas shipments and internal transportation, and supervise distribution. Admiring its success as we do, we cannot help but shudder at its present complexity.

We have come to the end of the UNRRA stage in relief. Mr. LaGuardia himself has often said that he is looking forward to the speedy winding up of the huge UNRRA administrative organization. That is sensible and proper. The governments of the receiving countries and the countries themselves have all made very real steps towards recovery during the two years of UNRRA's life. Many of the governments are now very much on their feet, in fact occasionally on their neighbour's feet as well. They are able to enter into trade arrangements with other countries and, if they choose, direct their resources in order to affect very appreciably their foreign exchange position and hence affect their ability to purchase essential supplies.

We believe, however, that one of the purposes for which the international organization of UNRRA was established is still present: namely that there must be some international machinery for the screening of requirements and the balancing of competing claims.

Furthermore, in dealing with relief problems where time is of the essence, it is important that the agency which hears the claimants should be free to make its decisions and then ensure prompt action.

Canada regards as important the suggestion of a broad extension in the number of supplying countries. In the past two years, the great bulk of the load has been carried by a few countries but surely today we have reached the point where practically every Member of the United Nations should be able to make some contribution to the relief needs of 1947.

The Members of the United Nations have up until now acted in concert in meeting these needs, but often they were far from acting in harmony. The contributing countries did not respond to the same degree in fulfilling their commitments. Promises were made and not lived up to and, in some cases, even promises were not made. Neither did the receiving countries amongst themselves show anything like the same degree of effort to get on with their recovery and bury political differences, nor did they show the same degree of appreciation and comprehension of the efforts of the suppliers; an appreciation which we certainly did not think of asking for because we did not envisage having our motives in supporting an international humanitarian endeavour attacked.

Nevertheless, despite all the difficulties which have been encountered in the international organization and distribution of relief through UNRRA, Canada favours an approach to the 1947 problem which will rest on concerted action by the United Nations.

Mr. LaGuardia said that he was here to speak of tomorrow, not of yesterday. We like the thought thus expressed but, at least as far as Canada is concerned, we cannot agree that what is to be done tomorrow can be undertaken without regard to what happened yesterday.

Canada has played an important part in supplying the needs of the world in the past two years. The extent of this contribution, however, was made possible by unusual conditions in earlier years. These resulted in the accumulation of substantial surpluses on which we were able to draw. For example, our wheat exports in 1943-44 were some sixty million bushels more than our total crop in that year. Then again, our crop this year cannot be classed as a bumper crop although fortunately it has been somewhat above average.

In making this effort we have reduced our reserves to the point where at the end of the last crop year, they were well below what could normally be called minimum working inventories.

During the past few years, our people have made a real effort to meet the world food shortage and rehabilitation needs. The acreage sown in bread grains has increased and a substantial proportion of our production in other lines has been allocated to purposes of relief and rehabilitation, despite urgent demands in our own country. In this connection, I might mention that we are still rationing butter and meat in addition to sugar.

These efforts to meet the needs of the last few years have been made cheerfully but we are now faced with convincing proof that, when an effort to meet a particular need results in a serious dislocation of the domestic economy, there are many real and continuing effects on our ability to meet other urgent demands placed upon us. To give but one example, our current transportation difficulties in the movement of cereals are in large measure occasioned by the fact that our complicated system for the movement of grain to sea-board had to be operated this year without the normal quantities in the long pipe-line through which these supplies must move.

It is unfortunately the case that, apart altogether from financial considerations (which are now, of course, a matter of grave concern to all

governments and their taxpayers) the extent to which Canada will be able to make deliveries against relief needs in the year 1947 will be largely affected by the availability of supply.

Despite the situation, if a concrete United Nations plan for meeting genuine relief needs in 1947 is adopted by this Assembly and is in fact international in its form and scope, Canada, to the extent that prevailing conditions permit, will participate in its implementation.

B. Resolution of the Assembly, December 11, 1946

RELIEF NEEDS AFTER THE TERMINATION OF UNRRA

The General Assembly,

Taking note of the UNRRA Council Resolution (No. 100) of 16 August, 1946, and of the related resolution adopted by the Economic and Social Council of 3 October, 1946;

Recognizing that certain countries will need financial assistance in 1947 to provide for imports of food and other basic essentials of life;

Taking note that this need for assistance may not, in all cases, be entirely met by international institutions and other public and private agencies available for this purpose;

Recognizing that, in some countries, if such assistance is not provided, there will be hunger, privation and suffering during the winter, spring and early summer of next year;

Taking note of the urgent necessity of meeting this residual relief need promptly, and of the expressed willingness of Members of the United Nations to do their part in attaining this end;

Recognizing the desirability of meeting this need without wasteful duplication of effort;

Considering that one of the purposes of the United Nations is to be a centre for harmonizing the actions of nations in the attainment of their common ends, including international co-operation in solving international problems of an economic and humanitarian character;

Reaffirming the principle that at no time should relief supplies be used as a political weapon, and that no discrimination should be made in the distribution of relief supplies because of race, creed, or political belief:

1. *Establishes* a Special Technical Committee whose functions shall be:
 - (a) to study the minimum import requirements of the basic essentials of life, particularly food and supplies for agricultural production of countries which the Committee believes might require assistance in the prevention of suffering or of economic retrogression which threatens the supply of these basic essentials;
 - (b) to survey the means available to each country concerned to finance such imports;
 - (c) to report concerning the amount of financial assistance which it believes may be required in the light of (a) and (b) above.
2. *Decides* that the Committee shall consist of ten experts in the field of finance and foreign trade to be designated by the Governments

of Argentina, Brazil, Canada, China, Denmark, France, Poland, Union of Soviet Socialist Republics, United Kingdom and United States of America to serve in their individual capacities and not as representatives of the Governments by which they are designated; and urges each Government to select a person of outstanding competence to serve on the Committee.

3. *Directs* the Secretary-General to transmit to the Committee the information called for in the third paragraph of the above-mentioned resolution of the Economic and Social Council.

4. *Directs* the Committee to submit its report to the Secretary-General for submission to Member Governments as soon as possible, but in any event not later than 15 January, 1947.

5. *Calls upon* all Members of the United Nations to assist in the furnishing of relief, when needed and where needed during the ensuing year, by developing their respective programmes with the greatest possible speed and, in appropriate cases, by extending special credit facilities to the needy countries.

6. *Recommends* that all Members of the United Nations keep the Secretary-General informed concerning their plans for assisting in meeting relief needs in 1947, and concerning the progress of their relief activities in this respect.

7. *Directs* the Secretary-General:

- (a) to make available to all Members of the United Nations the information received pursuant to paragraph 6 above, in order that this information, together with that transmitted pursuant to paragraph 4 above, may be used by the Members of the United Nations to facilitate the co-ordination, without wasteful duplication of effort of their respective relief programmes and activities;
- (b) to facilitate informal consultation among Governments concerning their relief plans and programmes; and to arrange for such consultation among Governments whenever, in his opinion, the purpose of this resolution would be promoted thereby;
- (c) to furnish, within the limitations of available staff and funds, such technical assistance in respect of the 1947 relief program as Governments may request.

8. (a) *Directs* the Secretary-General to consider the ways and means of collecting and utilizing contributions, from persons, organizations and peoples all over the world, equivalent to the earnings of one day's work, for the purpose of helping to meet relief needs during 1947; and to report on the results of such consideration to Member Governments and to the Economic and Social Council at the earliest possible date;

(b) *Requests* the Economic and Social Council to study the report made by the Secretary-General and to take whatever action it may deem appropriate in regard to this matter.

9. *Directs* the Secretary-General to report at each session of the Economic and Social Council on the activities being carried out under this resolution.

APPENDIX XI

INTERNATIONAL CHILDREN'S EMERGENCY FUND

Resolution of the Assembly, December 11, 1946

1. *The General Assembly,*

Having considered the resolution adopted by the Economic and Social Council at its third session recommending the creation of an International Children's Emergency Fund to be utilized for the benefit of children and adolescents of countries which were the victims of aggression, and recognizing the desirability of establishing such a Fund in accordance with Article 55 of the Charter of the United Nations,

Decides, therefore:

1. There is hereby created an International Children's Emergency Fund to be utilized and administered, to the extent of its available resources:

- (a) for the benefit of children and adolescents of countries which were victims of aggression and in order to assist in their rehabilitation;
 - (b) for the benefit of children and adolescents of countries at present receiving assistance from the United Nations Relief and Rehabilitation Administration;
 - (c) for child health purposes generally, giving high priority to the children of countries, victims of aggression.
2. (a) The Fund shall consist of any assets made available by UNRRA or any voluntary contribution made available by Governments, voluntary agencies, individual or other sources. It shall be authorized to receive funds, contributions or other assistance from any of the foregoing sources; to make expenditures and to finance or arrange for the provision of supplies, material, services and technical assistance for the furtherance of the foregoing purposes; to facilitate and co-ordinate activities relating thereto; and, generally, to acquire, hold or transfer property, and to take any other legal action necessary or useful in the performance of its objects and purposes;
- (b) The Fund, in agreement with the Governments concerned, shall take such measures as are deemed appropriate to ensure the proper utilization and distribution of supplies or other assistance which it provides. Supplies or other assistance shall be made available to Governments upon approval by the Fund of the plans of operation drawn up by the Governments concerned. Provision shall be made for:

- (i) the submission to the Fund of such reports on the use of supplies and other assistance as the Fund may from time to time require;
 - (ii) equitable and efficient dispensation or distribution of all supplies or other assistance, on the basis of need, without discrimination because of race, creed, nationality status or political belief;
 - (c) The Fund shall not engage in activity in any country except in consultation with, and with the consent of, the Government concerned;
 - (d) The Fund shall appeal to all voluntary relief agencies to continue and intensify their activities and shall take the necessary measures in order to co-operate with these agencies.
3. (a) The Fund shall be administered by an Executive Director under policies, including the determination of programmes and allocation of funds, established by an Executive Board in accordance with such principles as may be laid down by the Economic and Social Council and its Social Commission;
- (b) The Secretary-General of the United Nations shall appoint the Executive Director, in consultation with the Executive Board;
 - (c) The Executive Board shall be composed of representatives of the following Governments:

Argentina, Australia, Brazil, Byelorussian Soviet Socialist Republic, Canada, China, Colombia, Czechoslovakia, Denmark, Ecuador, France, Greece, Iraq, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia.

The Economic and Social Council, on the recommendation of the Executive Board, may designate other Governments as members of the Board. Membership may be changed by the General Assembly, on the recommendation of the Economic and Social Council, at any time after the first three years of the Fund's existence. The Board may, as occasions arise, invite representatives of specialized agencies for consultation on matters within their competence;

- (d) The Board may designate from among its members such committees as it deems advisable in the interest of effective administration.

The Board shall elect its own Chairman and its Vice-Chairmen, and shall meet whenever convened by the Chairman, or upon the request of any three of its members. The first meeting of the Board shall be convened by the Secretary-General of the United Nations, at the earliest date feasible after the adoption of this resolution. Each member of the Board shall have one vote. A majority of the Board shall constitute a quorum and it shall vote by a majority of the members present and voting. Subject to the foregoing, the Board may establish its own rules of procedure.

4. (a) Staff and facilities required for the administration of the Fund shall be provided to the Board by the Secretary-General. The Fund may also utilize such staff, equipment and records as may be made available by the United Nations Relief and Rehabilitation Administration during the period of its existence;
 - (b) The United Nations shall make no charge to the Fund on account of staff and facilities, so long as these can be provided from the established services of the Secretariat and within the limits of the United Nations budget. If additional funds are necessary, money for such purposes shall be provided by the Fund;
 - (c) To the maximum extent feasible, the utilization of the staff and technical assistance of specialized agencies, in particular the World Health Organization or its Interim Commission, shall be requested, with a view to reducing to a minimum the separate personnel requirements of the Fund.
5. The Secretary-General shall not pay from the funds received to finance the United Nations budget any claims arising from the operation of the Fund, but the Executive Board is authorized to pay from the Fund, claims arising from its operation.
6. The Secretary-General shall submit to the General Assembly an annual audit of the accounts of the Fund.
7. The Executive Board shall make periodic reports of its operations at such times and in such form as the Economic and Social Council shall provide.
8. A report shall be submitted to the fourth session of the Economic and Social Council containing a recommended programme and estimate of expenses incurred and to be incurred for the Fund for 1947 which shall be subject to the approval of the Council.
9. The activities of the Fund shall be reviewed by the General Assembly at its second session upon the basis of a special report from the Economic and Social Council.
11. The effective operation of the Fund is dependent upon the financial resources which are put at its disposal;
- Therefore,*
- The General Assembly expresses the earnest hope that Governments, voluntary agencies and private individuals will give the Fund their generous support.*

APPENDIX XII

WORLD SHORTAGE OF CEREALS

Resolution of the Assembly, December 11, 1946

At its thirty-third plenary meeting on 14th February 1946, the General Assembly adopted a resolution urging action, both directly by Governments and through the international organizations concerned, to alleviate the anticipated serious shortage of bread grains and rice.

The General Assembly has learned with satisfaction of the extent to which the position in 1946 was improved, particularly with respect to bread grains, by the common effort of the United Nations, thus saving millions of lives during the critical months before the 1946 harvest.

The General Assembly recognizes, however, that the food situation is still unsatisfactory. A number of countries have not yet overcome the devastating results of the enemy occupation to which they were subjected and are obliged on this account to continue emergency imports of grains, fats and other foodstuffs. A severe shortage of these foodstuffs exists in many European countries, even in some of those which before the war were themselves exporters. In a number of countries of Asia the shortage of cereals and other foodstuffs has led to undernourishment and even famine, resulting in heavy loss of human lives, as in the case of India and China. There is also a widespread shortage of livestock.

The General Assembly notes, moreover, that in 1945 and 1946 some countries of Europe and Asia were affected by drought and bad harvest, resulting in still further deterioration of their food situation. Some countries which were not under enemy occupation have even introduced bread rationing for the first time, for instance, the United Kingdom. In addition, some countries of Latin America are experiencing food shortages and are obliged to import grain.

The General Assembly has learned with concern that expected supplies of bread grains, rice, fats and oils, dairy products, meat and sugar appear to be substantially inadequate to meet minimum requirements for human consumption in 1947. Many countries, especially those which have suffered from enemy occupation and those which do not produce sufficient foodstuffs to meet their own requirements, need agricultural supplies such as machinery, implements, fertilizers, pesticides and seeds.

In addition, international payment difficulties on the part of certain importing countries, as well as transport and other difficulties, threaten to prevent the utilization of such food supplies as may be available. At the same time, there is a tendency in some countries to reduce the areas under

cultivation of cereals and other foodstuffs, which may cause unwarranted price increases and still further aggravate the food situation. Inflationary prices, and other price factors, in many cases constitute another obstacle to the production and distribution of food supplies to those in need.

The General Assembly, therefore,

Urges the Governments and international agencies concerned to adopt or continue measures designed to overcome the deficit during 1947 in bread grains, rice, fats and oils, dairy products, meat and sugar and to achieve the equitable allocation and prompt distribution of the available supplies free from political considerations; and, in particular,

Recommends:

1. Food producing countries to take all practicable steps

- (a) to increase the output and collection of foodstuffs to the maximum extent;
- (b) to prevent reduction and encourage an increase of areas under grain cultivation;
- (c) to improve transportation facilities for cereals and other foodstuffs;
- (d) to increase exports to countries suffering from a shortage of foodstuffs;
- (e) to continue and strengthen international efforts and machinery with a view to utilizing exportable food supplies with due consideration for the urgency of the food requirements in the needy countries;
- (f) to take measures against any unwarranted increase in the price of grain and other foodstuffs, especially such as would be detrimental to the interests of consumers and would mainly favour speculative interests without resulting in any real advantages to the farming population;

2. Countries which are largely industrial and produce transportation equipment, agricultural implements, machinery, spare parts and supplies for the construction of workshops for manufacturing and repairing the essential categories of such materials, or which produce fertilizers, pesticides, seeds, and animal feeding stuffs, to take all appropriate and practicable measures for expanding production, increasing export, and facilitating transportation of such supplies to countries in urgent need of them, and for facilitating the construction in these countries of small factories and workshops for the manufacture and repair of the most essential agricultural machines, implements and spare parts, for increasing food production;

3. All countries to carry out as far as practicable appropriate and necessary measures to regulate consumption, including the maintenance of high extraction rates, the dilution of flour, restrictions on usage of bread grains for beverages and other non-essential purposes, and restrictions on the feeding of bread grains to animals;

4. Governments and international agencies concerned to continue and expand publication of the fullest possible information on supplies and requirements of foodstuffs and materials mentioned in paragraphs 1 and 2 above and on action taken to carry out the recommendations contained in this resolution in order that future action may be guided by full knowledge of the relevant facts;

5. That attention continue to be given to the need for measures necessary to enable importing countries to overcome international payment difficulties in order that the above recommendations may be rendered effective in improving the food situation.

APPENDIX XIII

DEVASTATED AREAS

Resolution of the Assembly, December 11, 1946

The General Assembly,

Taking note of the preliminary report of the Temporary Sub-Commission on Economic Reconstruction of Devastated Areas and of the relevant resolution of the Economic and Social Council of 3rd October, 1946;

Recognizing the urgent need for international co-operation in the reconstruction of devastated areas:

1. *Approves* the general resolution of the Economic and Social Council, the resolution on the Survey of the Economic Reconstruction of Devastated Areas in Asia and the Far East, and the resolution for continuing the work of the Sub-Commission on Devastated Areas in Europe;

2. *Urges* the Members of the United Nations, the Economic and Social Council, and the specialized agencies and inter-governmental organizations concerned, to take all possible steps, within their respective fields of activity, which may lead to the early solution of the problems of economic reconstruction of devastated areas;

3. *Directs* the Secretary-General to transmit to the International Bank for Reconstruction and Development the opinion of the General Assembly that, if the economic reconstruction of devastated areas is not to be unduly delayed, the International Bank should come into full effective operation at the earliest possible date so that, in accordance with the special functions laid down for the Bank in its articles of Agreement, it may be able, early in 1947, to make the fullest possible contribution toward the needs of economic reconstruction;

4. *Recommends* that the Economic and Social Council and its Commissions consider undertaking as soon as possible, in co-operation with the specialized agencies concerned, a general survey of raw material resources needed for the economic reconstruction of devastated areas, with a view to recommending the adoption of the necessary measures to increase and promote production and to facilitate transportation of those materials from the producing areas to the devastated areas;

5. *Further recommends* that, in order to give effective aid to the countries devastated by war, the Economic and Social Council, at its next session, give prompt and favourable consideration to the establishment of an Economic Commission for Europe and an Economic Commission for Asia and the Far East.

APPENDIX XIV

FREEDOM OF INFORMATION

Resolution of the Assembly, December 14, 1946

The General Assembly,

Whereas

Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated;

Freedom of information implies the right to gather, transmit and publish news anywhere and everywhere without fetters. As such it is an essential factor in any serious effort to promote the peace and progress of the world;

Freedom of information requires as an indispensable element the willingness and capacity to employ its privileges without abuse. It requires as a basic discipline the moral obligation to seek the facts without prejudice and to spread knowledge without malicious intent;

Understanding and co-operation among nations are impossible without an alert and sound world opinion which, in turn, is wholly dependent upon freedom of information;

Resolves therefore, in the spirit of paragraphs 3 and 4 of Article 1 of the Charter, to authorize the holding of a conference of all Members of the United Nations on freedom of information;

Instructs the Economic and Social Council to undertake, pursuant to Article 60 and Article 62, paragraph 4, of the Charter, the convocation of such a conference in accordance with the following guiding principles:

- (a) The purpose of the Conference shall be to formulate its views concerning the rights, obligations and practices which should be included in the concept of the freedom of information;
- (b) Delegations to the Conference shall include in each instance persons actually engaged or experienced in press, radio, motion pictures and other media for the dissemination of information;
- (c) The Conference shall be held before the end of 1947, at such place as may be determined by the Economic and Social Council, in order to enable the Council to submit a report on the deliberations and recommendations of the Conference to the following regular session of the General Assembly.

APPENDIX XV

POLITICAL RIGHTS OF WOMEN

Resolution of the Assembly, December 11, 1946

The General Assembly,

Whereas

In the Preamble of the Charter the peoples of the United Nations have reaffirmed faith in the equal rights of men and women, and in Article 1 it is stated that purposes of the United Nations are, among others, to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to sex, and to be a centre for harmonizing the actions of nations in the attainment of these common ends,

Whereas

Certain Member States have not yet granted to women, political rights equal to those granted to men,

Therefore:

- (a) *Recommends* that all Member States, which have not already done so adopt measures necessary to fulfil the purposes and aims of the Charter in this respect by granting to women the same political rights as to men;
- (b) invites the Secretary-General to communicate this recommendation to the Governments of all Member States.

APPENDIX XVI

THE WORLD FEDERATION OF TRADE UNIONS

Canadian Statement, November 23, 1946

Canada is a country in which the establishment, development and responsible operation of trade unions are fostered by legal and political measures, and encouraged by public approval. For these reasons and because a considerable part of the Canadian trade union movement is affiliated with the W.F.T.U., we are naturally inclined to sympathize with the desires and objectives of that organization. On the issue specifically before us we wish to see the W.F.T.U. placed in a position where both it and the Economic and Social Council can obtain the maximum benefit from mutual cooperation.

For this reason we were glad to see that the W.F.T.U. was placed by the Economic and Social Council in category (a) of those non-governmental organizations with which the Council felt it essential to provide for cooperation. We entirely approved of the granting of this preferred position, a position that is shared by only three other non-governmental organizations

Clause 1 of the substantive part of the Soviet resolution¹ means that the W.F.T.U. would have the automatic right to place on the agenda of the Economic and Social Council at any time and in any form any proposition that it may choose. This is a right enjoyed by the specialized agencies, but by the resolution it would be extended to the W.F.T.U.

This clause further provides that representatives of the W.F.T.U. would have the right to appear at the Council table to "make oral communications"—in other words to discuss "all matters of interest to the Federation". This right of intervention is not even confined to subjects proposed by the Federation. It would mean in practice that the W.F.T.U. representatives would be at every meeting of the Council and would be entitled to speak on every subject under review. In other words the W.F.T.U. would have before the Economic and Social Council all the privileges of a specialized agency and all the privileges of a sovereign state except that it would not be allowed to vote.

We are not prepared to agree that the W.F.T.U. should be treated by the Council either as a sovereign state, or as a specialized agency. To do either of these things would be contrary to the provisions of the Charter, and I must confess to a mild surprise when I observe certain delegations, that on very recent occasions have expressed the most fervent indignation,

¹The substantive part of the Soviet resolution read as follows:

"The General Assembly recommends the Economic and Social Council to give to the World Federation of Trade Unions:

1. the right to submit to the Economic and Social Council questions for insertion in the provisional agenda, in accordance with the procedure now applicable to specialized agencies;

2. the right to present written and verbal statements to the Economic and Social Council on all matters of concern to the Federation."

when any proposal in their view contained even a suggestion of a change in the Charter, now accepting this obvious expansion of the terms of that document with an approval amounting to enthusiasm.

May I remind you that it was the leader of the Soviet delegation who expressed the opinion that there are two principal tendencies struggling within the United Nations: the first based on fundamental respect for the principles of the Charter, while the second attempts to shake its foundations by all kinds of attacks. Yet here we have members of the same delegation, the authors of this resolution endeavouring to dodge the provisions of the Charter because at this time it suits their convenience.

It is true that the distinguished delegate from the Soviet Union on this committee has argued that there are no formal or constitutional obstacles to the granting of the request of the W.F.T.U. He also, however, seemed to suggest that even if such obstacles do exist they are only formal and technical and should be disregarded. This is a proposition to which I cannot subscribe.

The supporters of the resolution want the W.F.T.U. to be treated as well as or better than the specialized agencies. Article 57 (1) of the Charter defines these agencies as bodies "established by intergovernmental agreement". The W.F.T.U. was not established by intergovernmental agreement. It is not a specialized agency and there is no provision in the Charter for treating it as such. Those who wish to have the W.F.T.U. treated as a specialized agency should begin by amending the Charter.

Not only is there no provision in the Charter for treating other bodies as specialized agencies when they are not specialized agencies but in fact something of this sort was brought forward and was voted down at San Francisco. Article 71¹ of the Charter was prepared specifically in the light of this decision

¹The following are the relevant provisions of the Charter:

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of

Article 63

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 63

The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

I have not referred to the effects that might accrue from the extending of special rights to the W.F.T.U.—rights beyond those enjoyed by the other organizations in category (a). The possibilities of friction that this discrimination would invite are present, I am sure, in all your minds. If we extend the Charter to cover these special privileges for the W.F.T.U. what will the authors of this resolution say next year when the International Chamber of Commerce ask for similar rights; and when the following year the World Federation of Churches follows suit? You cannot have it both ways.

The basic concept underlying the organization of the United Nations and of its constituent bodies is representation on geographic and national lines. So far as Canada is concerned, we are not now prepared to change this concept and to take over from the corporative state—from fascism—the principle of representation on the basis of functional or occupational groups.

We sympathize with the desire of organized labour for close collaboration with the Economic and Social Council. We believe that effective provision for this collaboration is made especially through the I.L.O. but also through the preferred position that has already been given to the W.F.T.U.

In giving the W.F.T.U. the special recognition that is inherent in category (a) we have gone as far as we can go without violation of the Charter as it now stands.

So far as Canada is concerned we are not prepared to go further than the Charter permits. We will not be a party to any effort to amend its provisions by indirection or by a strained interpretation for which there is no justification either in law or in common sense.

APPENDIX XVII

HOUSING AND TOWN PLANNING

Resolution of the Assembly, December 14, 1946

The General Assembly,

Considering the magnitude and gravity of housing problems in various parts of the world, and the advisability of providing for exchange of views and constant liaison between the technical experts of the various nations;

Considering the recommendation already made by the special meeting on emergency housing problems convened by the Emergency Economic Committee for Europe, and also of the recommendations of the Housing Sub-Committee of the Emergency Economic Committee for Europe;

Decides to recommend to the Economic and Social Council that it instruct the appropriate Commissions to expedite their study of housing problems with special reference to the organization and unification of international exchanges of information relating, in particular, to town planning principles, building techniques and the climatic, economic and financial, legal and legislative aspects of housing and town planning questions, and to consider the desirability of holding an international conference of experts to advise on the need for establishing an international mechanism to collate such information, lay down guiding principles for new technical research on materials, methods of use and pre-fabrication, and to define standards capable of general application.

APPENDIX XVIII

NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

Resolution of the Assembly, November 19, 1946

The General Assembly draws the attention of the Members of the United Nations to the importance of the following, namely:

- (a) that the States Members of the United Nations should encourage and promote the establishment and co-operation of duly authorized voluntary National Red Cross and Red Crescent Societies;
- (b) that at all times the independent voluntary nature of the National Red Cross and Red Crescent Societies be respected in all circumstances, provided they are recognized by their Governments and carry on their work according to the principles of the Geneva and The Hague Conventions and in the humanitarian spirit of the Red Cross and Red Crescent;
- (c) that the necessary steps be taken to ensure that in all circumstances contact may be maintained between the National Red Cross and Red Crescent Societies of all countries, so as to enable them to carry out their humanitarian task.

APPENDIX XIX

FUTURE STATUS OF SOUTH WEST AFRICA

Resolution of the Assembly, December 14, 1946

The General Assembly,

Having considered the statements of the delegation of the Union of South Africa regarding the question of incorporating the mandated territory of South West Africa in the Union;

Noting with satisfaction that the Union of South Africa, by presenting this matter to the United Nations, recognizes the interest and concern of the United Nations in the matter of the future status of territories now held under mandate;

Recalling that the Charter of the United Nations provides in Articles 77 and 79 that the trusteeship system shall apply to territories now under mandate as may be subsequently agreed;

Referring to the resolution of the General Assembly of 9 February 1946, inviting the placing of mandated territories under trusteeship;

Desiring that agreement between the United Nations and the Union of South Africa may hereafter be reached regarding the future status of the mandated territory of South West Africa;

Assured by the delegation of the Union of South Africa that, pending such agreement, the Union Government will continue to administer the territory as heretofore in the spirit of the principles laid down in the mandate;

Considering that the African inhabitants of South West Africa have not yet secured political autonomy or reached a stage of political development enabling them to express a considered opinion which the Assembly could recognize on such an important question as incorporation of their territory:

The General Assembly, therefore,

Is unable to accede to the incorporation of the territory of South West Africa in the Union of South Africa;

Recommends that the mandated territory of South West Africa be placed under the international trusteeship system and invites the Government of the Union of South Africa to propose for the consideration of the General Assembly a trusteeship agreement for the aforesaid territory.

APPENDIX XX

NON-SELF-GOVERNING TERRITORIES—TRANSMISSION OF INFORMATION

Resolution of the Assembly, December 14, 1946

The General Assembly, on 9 February, 1946, approved a resolution on Non-Self-Governing Peoples. By this resolution the Secretary-General was requested to include in his annual report on the work of the Organization a statement summarizing such information as may have been transmitted to him by Members of the United Nations under Article 73e of the Charter relating to economic, social and educational conditions in the territories for which they are responsible, other than those to which Chapters XII and XIII apply.

The General Assembly notes that information has been transmitted by the Governments of Australia concerning conditions in Papua; France concerning conditions in French West Africa, French Equatorial Africa, French Somaliland, Madagascar and Dependencies, French Establishments in Oceania, Indo-China, French Establishments in India, New Caledonia and Dependencies, Saint-Pierre-et-Miquelon, Morocco, Tunisia, the New Hebrides under Anglo-French Condominium, Martinique, Guadeloupe and Dependencies, French Guiana, and Réunion (without prejudice to the future status of these territories); New Zealand concerning conditions in the Cook Islands (without prejudice to any interpretation of the expression "Non-Self-Governing Territories" in view of the fact that the Cook Islands are an integral part of New Zealand); the United Kingdom concerning conditions in Barbados, Bermuda, British Guiana, British Honduras,¹ Fiji, Gambia, Gibraltar, Leeward Islands, Mauritius, St. Lucia, and Zanzibar Protectorate; and the United States concerning conditions in Alaska, American Samoa, Guam, Hawaii, Panama Canal Zone,² Puerto Rico and the Virgin Islands.

The General Assembly also notes that the following Governments have declared their intention of transmitting information: Belgium on the Belgian Congo; Denmark on Greenland; the Netherlands on the Netherlands Indies, Surinam and Curacao; New Zealand on the Tokelau Islands; and the United Kingdom on Aden (Colony and Protectorate), Bahamas, Basutoland, Bechuanaland Protectorate, British Somaliland Protectorate, Brunei, Cyprus, Dominica, Falkland Islands³, Gold Coast (Colony and

¹In this connection reference is made to the *Journal of the United Nations*, No. 5, 10 December, 1946. Supplement No. 4, pages 79-80.

²In this connection reference is made to document A/200, dated 26 November, 1946.

³In regard to the Falkland Islands the delegation of Argentina at the twenty-fifth meeting of the Committee, made a reservation to the effect that the Argentine Government did not recognize British sovereignty in the Falkland Islands. The delegation of the United Kingdom made a parallel reservation, not recognizing Argentine sovereignty in these islands.

Protectorate), Grenada, Hong Kong, Jamaica, Kenya (Colony and Protectorate), Malayan Union, Malta, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena and Dependencies, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Swaziland, Trinidad and Tobago, Uganda Protectorate, and the High Commission Territories of the Western Pacific (Gilbert and Ellice Islands Colony, British Solomon Islands Protectorate, Pitcairn Islands).

The value of the association of Non-Self-Governing Territories in the work of the specialized agencies as a means of attaining the objectives of Chapter XI of the Charter has been stressed.

The procedures to be followed by the Organization in connection with the information transmitted by Members regarding Non-Self-Governing Peoples have been carefully examined.

The General Assembly, therefore,

1. *Invites* the Members transmitting information to send to the Secretary-General by 30th June of each year the most recent information which is at their disposal;

2. *Recommends* that the information transmitted in the course of 1947 by Members of the United Nations under Article 73e of the Charter should be summarized, analyzed and classified by the Secretary-General and included in his report to the second session of the General Assembly, in order that, in the light of the experience gained, the General Assembly may be able to decide whether any other procedure may be desirable for dealing with such information in future years;

3. *Recommends* that the Secretary-General communicate to the specialized agencies the information transmitted, with a view to making all relevant data available to their expert and deliberative bodies;

4. *Invites* the Secretary-General to convene, some weeks before the opening of the second session of the General Assembly, and *ad hoc* Committee composed in equal numbers of representatives of the Members transmitting information under Article 73e of the Charter and of representatives of Members elected, by the General Assembly at this session, on the basis of an equitable geographical distribution;

5. *Invites* the Secretary-General to request the Food and Agriculture Organization, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization and the International Trade Organization, when constituted, to send representatives in an advisory capacity to the meeting of the *ad hoc* committee;

6. *Invites* the *ad hoc* Committee to examine the Secretary-General's summary and analysis of the information transmitted under Article 73e of the Charter with a view to aiding the General Assembly in its consideration of this information, and with a view to making recommendations to the General Assembly regarding the procedures to be followed in the future and the means of ensuring that the advice, expert knowledge and experience of the specialized agencies are used to the best advantage.

At its sixty-fifth and sixty-sixth plenary meetings, on 14th and 15th December, 1946, respectively, the General Assembly, in accordance with the terms of the above resolution, elected eight Members of the ad hoc Committee.

The composition of the Committee therefore is as follows:

Members transmitting information under Article 73e of the Charter:

Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom, United States of America.

Members elected by the General Assembly:

Brazil, China, Cuba, Egypt, India, Philippine Republic, Union of Soviet Socialist Republics, Uruguay.

APPENDIX XXI

NON-SELF-GOVERNING TERRITORIES—REGIONAL CONFERENCES

Resolution of the Assembly, December 14, 1946

The General Assembly,

Considering that the resolution on Non-Self-Governing Peoples adopted during the first part of the first session of the General Assembly draws attention to the fact that the obligations accepted by Members of the United Nations under Chapter XI are already in full force;

Recognizing the importance of the declaration contained in Chapter XI of the Charter especially as it concerns the peace and security of the world, and the political, economic, social and educational advancement of the peoples of Non-Self-Governing Territories as well as their just treatment and protection against abuses;

The General Assembly recommends to the Members having or assuming responsibilities for the administration of Non-Self-Governing Territories to convene conferences of representatives of Non-Self-Governing Peoples chosen or preferably elected in such a way that the representation of the peoples will be ensured to the extent that the particular conditions of the territory concerned permit, in order that effect may be given to the letter and spirit of Chapter XI of the Charter and that the wishes and aspirations of the Non-Self-Governing Peoples may be expressed.

APPENDIX XXII

SCALE OF CONTRIBUTIONS TO THE BUDGETS

A. Canadian Statement, November 12, 1946

No one can deny that in the field of the relative financial burdens to be borne by our Member states, we run the risk of non-favourable reaction, among the public and the different governments, which might jeopardize the stable and progressive development of our entire world organization. In these matters the United Nations must have and must continue to have the whole-hearted support of our respective legislatures and peoples in our respective countries. And when we ask them for that support we must be able to convince them that the recommendations agreed to here are not only wise but just.

We appreciate the very useful work done by the Committee on Contributions. It was asked to base its report on the capacity to pay, of the Member states. We are aware that there were gaps in the information available to them and that, of necessity, some reliance had to be placed on informed guesses. We felt, however, that, on the basis indicated in their terms of reference, no better job could have been done. But Senator Vandenberg, on behalf of the United States delegation, has argued very forcibly that capacity to pay cannot safely be made the only criterion for distributing the financial burden of the United Nations ordinary administrative budget, particularly when the result of that criterion places practically fifty per cent of the burden on one nation alone out of fifty-one. The Canadian delegation agrees that to do this might very well jeopardize the success of the United Nations, both because it would tend to put a strain on the principle of the sovereign equality of all nations, in dealing with budgetary problems, and because the people of that one nation might come to feel that they were being asked to do more than their fair share.

Senator Vandenberg therefore suggested that a ceiling should be established, above which no nation will be asked to contribute. In this connection, I wish to point out that this solution of the political difficulty foreseen by Senator Vandenberg tends to create like difficulties for the other Member states. Notwithstanding the gaps in the information available to the Contributions Committee, none can doubt that, if we had on our desks the most complete and up-to-date statistics of the annual income of each of our countries, they would show two things clearly and beyond question: first, that the United States has the largest national income of any nation; and second, that in the United States the national income per capita is greater than in any other nation.

To the individual taxpayer, per capita contribution is the important factor. He is concerned with the relation which his personal contribution will have to the contribution of taxpayers in other countries where capacity to pay is equal to, or greater than, his own. Therefore, it would not seem

to be politically realistic, to expect any government or the members of any parliament to vote that their state should make a contribution to the ordinary administrative budget of this organization, which would be higher on a per capita basis than the per capita contribution of the United States.

Under the recommendation of the Contributions Committee, this difficulty does not arise, as the per capita contributions of the citizens of the United States would appear to be higher than that of the citizens of any other nation. The Canadian delegation does not ask that the exact relationship proposed by the Contributions Committee be continued, but we do say that, if a ceiling is to be placed on the percentage to be contributed by the United States, and if that ceiling is substantially below the present percentage, it will be necessary to extend a ceiling to all the Member states whose per capita contribution would otherwise exceed that of the United States taxpayers.

In other words, a ceiling on the total contributions of any Member state necessitates a ceiling on a per capita basis on the amount citizens of any other nation are required to pay. We recognize, as the United States delegation has pointed out, that there is a difference between budgets for ordinary administration and for operational purposes to help repair the ravages of war. As regards the latter category, Canada has in the past assumed substantial responsibility and is prepared to give serious and sympathetic consideration to other like problems as they rise. But when it comes to the ordinary administrative expenses of the United Nations, I submit that we cannot ask the taxpayers in any country to pay more per head than the taxpayers in the United States.

Senator Vandenberg has said, and we agree, that this is not a matter of money, but a matter of principle. We can all afford to pay whatever is necessary in material values to achieve the goals of the United Nations, if our decisions are widely regarded as right and wise and just, as between partners in this common enterprise, but I am convinced that we would be risking just the kind of reaction the Norwegian and American representatives warned against if we were to accept a scale of contributions which place on the taxpayers of any other country, a per capita rate higher than that placed on the country which is fortunate to have the highest per capita income of the whole world.

The Canadian delegation is here to help build a world organ that will stand any stress or strain that the future may bring, but we do not feel that it would be either sound or just that we or any other nation be asked to pay more per individual than the most well-to-do among us pays.

It is for this reason that I venture to say to the Committee, that if we place a ceiling on the total contribution of any nation, we must also establish a ceiling on a per capita basis which would be generally applicable to all Member states that would be unfairly affected by such a policy.

B. Resolution of the Assembly, December 14, 1946

The General Assembly resolves,

1. That the scales of assessment for (a) the 1946 budget and (b) the 1947 budget and the Working Capital Fund shall be as follows:

Country	1946	1947 Budget and
	Appportionment Per Cent	Working Capital Fund Apportion- ment Per Cent
Argentina	1.94	1.85
Australia	2.00	1.97
Belgium	1.42	1.35
Bolivia	0.08	0.08
Brazil	1.94	1.85
Byelorussian SSR	0.23	0.22
Canada	3.35	3.20
Chile	0.47	0.45
China	6.30	6.00
Colombia	0.39	0.37
Costa Rica	0.04	0.04
Cuba	0.30	0.29
Czechoslovakia	0.95	0.90
Denmark	0.81	0.79
Dominican Republic	0.05	0.05
Ecuador	0.05	0.05
Egypt	0.81	0.79
El Salvador	0.05	0.05
Ethiopia	0.08	0.08
France	6.30	6.00
Greece	0.17	0.17
Guatemala	0.05	0.05
Haiti	0.04	0.04
Honduras	0.04	0.04
India	4.09	3.95
Iran	0.47	0.45
Iraq	0.17	0.17
Lebanon	0.06	0.06
Liberia	0.04	0.04
Luxembourg	0.05	0.05
Mexico	0.66	0.63
Netherlands	1.47	1.40
New Zealand	0.52	0.50
Nicaragua	0.04	0.04
Norway	0.52	0.50
Panama	0.05	0.05

<i>Country</i>	<i>1946 Apportionment Per Cent</i>	<i>1947 Budget and Working Capital Fund Apportion- ment Per Cent</i>
Paraguay	0.04	0.04
Peru	0.21	0.20
Philippines	0.30	0.29
Poland	1.00	0.95
Saudi Arabia	0.08	0.08
South Africa	1.15	1.12
Syria	0.12	0.12
Turkey	0.93	0.91
Ukrainian SSR	0.88	0.84
USSR	6.62	6.34
United Kingdom	11.98	11.48
United States of America	39.89	39.89
Uruguay	0.18	0.18
Venezuela	0.28	0.27
Yugoslavia	0.34	0.33
Afghanistan		0.05
Iceland		0.04
Sweden		2.35
	<hr/> 100.00	<hr/> 100.00

2. That, notwithstanding the provisions of rule 43 of the provisional rules of procedure, the scale of assessments for the apportionment of expenses of the United Nations shall be reviewed by the Committee on Contributions in 1947 and a report submitted for the consideration of the General Assembly at the session to be held in September 1947.

3. That as it may be more convenient for the United Nations to adopt a unit basis of assessment in lieu of the percentage basis, the Committee on Contributions is directed to give consideration to the relative merits of each method.

4. That new Members be required to contribute to the annual budget of the year in which they are first admitted, at least $33\frac{1}{3}$ per cent of their percentage of assessment determined for the following year, applied to the budget for the year of their admission.

5. That, having regard to the admission of the three new Members in 1946, the advances to the Working Capital Fund be readjusted on the basis of the scale to be adopted for the contributions of Members to the annual budget for 1947.

APPENDIX XXIII

BUDGETARY AND FINANCIAL RELATIONS

Resolution of the Assembly, December 14, 1946

The General Assembly,

Considering paragraph 3 of Article 17 of the Charter of the United Nations providing that:

The Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budget of such specialized agencies with a view to making recommendations to the agencies concerned;

Considering the views expressed by the various delegations at the twenty-seventh meeting of the Fifth Committee that a system of close budgetary and financial relationships between the United Nations and the specialized agencies is desirable for giving effect to the provisions of the Charter;

Requests the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions:

1. To continue exploratory discussions with the specialized agencies and to report and make recommendations to the next regular session of the General Assembly;

2. To append, if possible, to the United Nations budget for 1948, in the form of informative annexes, the budgets or proposed budgets of the specialized agencies for 1948 with a view to presenting to the General Assembly a comprehensive estimate of expenditures of the United Nations and specialized agencies;

3. To explore possible arrangements by which the budgets of the several specialized agencies might be presented to the General Assembly for approval;

4. To develop, at the earliest possible date, in accordance with the budgetary and financial provisions of the agreements with the specialized agencies, arrangements for common fiscal controls and common budgetary, administrative and financial practices.

APPENDIX XXIV

EXTERNAL AUDITORS

Resolution of the Assembly, December 7, 1946

The General Assembly resolves,

- (a) that the Auditor-General (or other title) of the UKRAINIAN SOVIET SOCIALIST REPUBLIC and the Auditor General (or other title) of SWEDEN and the Auditor-General (or other title) of CANADA be appointed as external Auditors of the accounts of the United Nations and of the International Court of Justice, and of such specialized agencies as may be designated by the appropriate authority. Should the necessity arise, an Auditor may designate a representative to sit on the Board in his absence;
- (b) that the term of office of each Auditor shall continue until 30th June, 1948, 30th June, 1949, and 30th June, 1950, in the order in which they are named above;
- (c) that in 1947, and every year thereafter, the General Assembly at its regular session shall appoint an Auditor to take office from 1st July of the following year and to serve for a period of three years;
- (d) that the Auditors in office shall constitute the Board of Auditors, which shall elect its own Chairman and adopt its own rules of procedure;
- (e) that the Board, subject to the budgetary provision made by the General Assembly for the cost of audit, and after consultation with the Advisory Committee on Administrative and Budgetary Questions relative to the scope of the audit, may conduct the audit under the provisions of this resolution in such manner as it thinks fit and may engage commercial public auditors of international repute;
- (f) that if any member of the Board ceases to hold the national office described in paragraph (a) of this resolution he shall cease to be a member of the Board, on which he shall be succeeded by his successor in the national office described;
- (g) that the Board of Auditors shall submit its report, together with the certified accounts and such other statements as it thinks necessary, to the General Assembly to be available to the Advisory Committee on Administrative and Budgetary Questions not later than 1st June following the end of the financial year to which the accounts relate. The Advisory Committee shall forward to the General Assembly its comments, if any, on the audit report;

(h) that the audit should be carried out by the Board of Auditors having full regard to the following requirements of the General Assembly:

- (i) The Auditors should satisfy themselves:
 - (1) that the accounts, including the balance sheet, represent a correct record of duly authorized financial transactions of the financial year;
 - (2) that money has not been expended or obligated other than for the purpose or purposes for which the appropriations voted by the General Assembly were intended to provide, except in so far as the Secretary-General has authorized transfers within the budget, and that the expenditure conforms to the authority which governs it;
 - (3) that transfers from the Working Capital Fund or other funds have received the necessary authority.
- (ii) The Auditors, after satisfying themselves that the vouchers have been examined and certified as correct by the accounting organization, may, in their discretion and having regard to the character of the examination within the department, in any particular case admit the sums so certified without further examination, provided however, that, if the General Assembly or the Advisory Committee on Administrative and Budgetary Questions on behalf of the General Assembly, requests that any accounts be examined in greater detail, the Auditors shall take action accordingly.
- (iii) The Auditors shall examine such store or stock accounts as are maintained by the organization the financial accounts of which they are auditing.
- (iv) The Auditors shall have free access at all convenient times to the books of account and all information relevant to the accounts of the organization concerned. Requests for official files which may deal with matters of policy should only be made through the Assistant Secretary-General for Administrative and Financial Services.
- (v) The Auditors should not criticize purely administrative matters, but it is within their discretion to comment upon the financial consequences of administrative action. Audit examination should not be undertaken before accounting effect has been given to transactions, nor should accounts and vouchers be examined until they have been duly rendered available by the department concerned.
- (vi) Objections to any items which may arise during audit should be communicated immediately to the accounting department concerned. As a general rule, criticism should not be made in the Auditors' report without first affording the accounting department an opportunity of explanation.

- (vii) Documentary or other information obtained from a department should not be published by the Auditors without reference having been made to the duly authorized official of the organization or agency concerned.
- (viii) The Auditors certifying the accounts shall prepare a joint report of each account certified, in which they should mention:
 - (1) The extent and character of their examination or any important changes therein;
 - (2) Matters affecting the completeness or accuracy of the accounts, such as:
 - (a) Information necessary to the correct interpretation of the account;
 - (b) Any amounts which ought to have been received but which have not been brought to account;
 - (c) Expenditure not properly vouched;
 - (3) Other matters which should be brought to the notice of the General Assembly, such as:
 - (a) Cases of fraud or presumptive fraud;
 - (b) Wasteful or improper expenditure of United Nations' money or stores (notwithstanding that the accounting for the transactions may be correct);
 - (c) Expenditure likely to commit the United Nations to further outlay on a large scale;
 - (d) Any defect in the general system or detailed regulations governing the control of receipts and expenditure, or of stores;
 - (e) Expenditure not in accordance with the intention of the General Assembly, after making allowance for duly authorized transfers within the budget;
 - (f) Expenditure in excess of appropriations, as amended by duly authorized transfers within the budget;
 - (g) Expenditure not in conformity with the authority which governs it.
 - (4) The accuracy or otherwise of the stores records as determined by stock-taking and examination of the records.

In addition, the reports may contain reference to:

- (5) Transactions accounted for in a previous year concerning which further information has been obtained, or transactions in a later year concerning which it seems desirable that the General Assembly should have early knowledge.

- (ix) The Auditors, or such of their officers as they may delegate should jointly certify each account in the following terms:

“The above accounts have been examined in accordance with our directions. We have obtained all the information and explanations that we have required, and we certify, as the result of the audit, that, in our opinion, the above account is correct”; adding, should it be necessary, “subject to the observations in our report.”

- (x) The Auditors shall have no power to disallow items in the accounts, but shall recommend to the Secretary-General for appropriate action such disallowances as the Board is prepared to recommend to the General Assembly based on its audit of the accounts and records. The Board shall bring to the attention of the General Assembly any cases where its recommendations for disallowance have not been acted upon by the Secretary-General.

APPENDIX XXV

INTERNATIONAL LAW

Resolution of the Assembly, December 11, 1946

The General Assembly,

Recognizes the obligation laid upon it by Article 13, paragraph 1, subparagraph *a* of the Charter to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification;

Realizes the need for a careful and thorough study of what has already been accomplished in this field as well as of the projects and activities of official and unofficial bodies engaged in efforts to promote the progressive development and formulation of public and private international law, and the need for a report on the methods whereby the General Assembly may most effectively discharge its obligations under the above-mentioned provision:

Therefore,

Resolves to establish a Committee of seventeen Members of the United Nations to be appointed by the General Assembly on the recommendation of the President, each of these Members to have one representative on the Committee;

Directs the Committee to study:

- (a) the methods by which the General Assembly should encourage the progressive development of international law and its eventual codification;
 - (b) methods of securing the co-operation of the several organs of the United Nations to this end;
 - (c) methods of enlisting the assistance of such national or international bodies as might aid in the attainment of this objective;
- and to report to the General Assembly at its next regular session.

Requests the Secretary-General to provide such assistance as the Committee may require for its work.

At the same plenary meeting, the General Assembly, on the recommendation of the President, appointed the following States to serve on the Committee:

Argentina, Australia, Brazil, China, Colombia, Egypt, France, India, Netherlands, Panama, Poland, Sweden, Union of Soviet Socialist Republics, United Kingdom, United States of America, Venezuela, Yugoslavia.

APPENDIX XXVI

CHARTER OF NUREMBERG TRIBUNAL

Resolution of the Assembly, December 11, 1946

The General Assembly,

Recognizes the obligation laid upon it by Article 13, paragraph 1, subparagraph *a* of the Charter, to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification;

Takes note of the Agreement for the establishment of an International Military Tribunal for the prosecution and punishment of the major war criminals of the European Axis signed in London on 8 August 1945, and of the Charter annexed thereto, and of the fact that similar principles have been adopted in the Charter of the International Military Tribunal for the trial of the major war criminals in the Far East, proclaimed at Tokyo on 19 January 1946;

Therefore,

Affirms the principles of international law recognized by the Charter of the Nürnberg Tribunal and the judgment of the Tribunal;

Directs the Committee on the codification of international law established by the resolution of the General Assembly of 11 December 1946, to treat as a matter of primary importance plans for the formulation, in the context of a general codification of offences against the peace and security of mankind, or of an International Criminal Code, of the principles recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal.

APPENDIX XXVII

THE CRIME OF GENOCIDE

Resolution of the Assembly, December 11, 1946

Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.

Many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part.

The punishment of the crime of genocide is a matter of international concern.

The General Assembly, therefore,

Affirms that genocide is a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices—whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds—are punishable;

Invites the Member States to enact the necessary legislation for the prevention and punishment of this crime;

Recommends that international co-operation be organized between States with a view to facilitating the speedy prevention and punishment of the crime of genocide, and, to this end,

Requests the Economic and Social Council to undertake the necessary studies, with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly.

APPENDIX XXVIII

REGISTRATION AND PUBLICATION OF TREATIES

Resolution of the Assembly, December 14, 1946

The General Assembly,

Considering it desirable to establish rules for the application of Article 102 of the Charter of the United Nations which provides as follows:

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Recognizing, in making provision therefor, the importance of orderly registration and publication of such treaties and international agreements and the maintenance of precise records;

Adopts accordingly, having given consideration to the proposals of the Secretary-General submitted pursuant to the resolution of the General Assembly of 10 February 1946, the following regulations:

PART ONE—REGISTRATION

Article 1

1. Every treaty or international agreement whatever its form and descriptive name entered into by one or more Members of the United Nations after 24 October 1945, the date of the coming into force of the Charter, shall as soon as possible be registered with the Secretariat in accordance with these regulations.

2. Registration shall not take place until the treaty or international agreement has come into force between two or more of the parties thereto.

3. Such registration may be effected by any party or in accordance with article 4 of these regulations.

4. The Secretariat shall record the treaties and international agreements so registered in a Register established for that purpose.

Article 2

1. When a treaty or international agreement has been registered with the Secretariat, a certified statement regarding any subsequent action which effects a change in the parties thereto, or the terms, scope or application thereof, shall also be registered with the Secretariat.

2. The Secretariat shall record the certified statement so registered in the Register established under article 1 of these regulations.

Article 3

1. Registration by a party, in accordance with article 1 of these regulations, relieves all other parties of the obligation to register.

2. Registration effected in accordance with article 4 of these regulations relieves all parties of the obligation to register.

Article 4

1. Every treaty or international agreement subject to article 1 of these regulations shall be registered *ex officio* by the United Nations in the following cases:

- (a) Where the United Nations is a party to the treaty or agreement;
- (b) Where the United Nations has been authorized by the treaty or agreement to effect registration.

2. A treaty or international agreement subject to article 1 of these regulations may be registered with the Secretariat by a specialized agency in the following cases:

- (a) Where the constituent instrument of the specialized agency provides for such registration;
- (b) Where the treaty or agreement has been registered with the specialized agency pursuant to the terms of its constituent instrument;
- (c) Where the specialized agency has been authorized by the treaty or agreement to effect registration.

Article 5

1. A party or specialized agency, registering a treaty or international agreement under article 1 or 4 of these regulations, shall certify that the text is a true and complete copy thereof and includes all reservations made by parties thereto.

2. The certified copy shall reproduce the text in all the languages in which the treaty or agreement was concluded and shall be accompanied by two additional copies and by a statement setting forth, in respect of each party:

- (a) the date on which the treaty or agreement has come into force;
- (b) the method whereby it has come into force (for example: by signature, by ratification or acceptance, by accession, et cetera).

Article 6

The date of receipt by the Secretariat of the United Nations of the treaty or international agreement registered shall be deemed to be the date of registration, provided that the date of registration of a treaty or agreement registered *ex officio* by the United Nations shall be the date on which the treaty or agreement first came into force between two or more of the parties thereto.

Article 7

A certificate of registration signed by the Secretary-General or his representative shall be issued to the registering party or agency and also to all signatories and parties to the treaty or international agreement registered.

Article 8

1. The Register shall be kept in the five official languages of the United Nations. The Register shall comprise, in respect of each treaty or international agreement, a record of:

- (a) the serial number given in the order of registration;
- (b) the title given to the instrument by the parties;
- (c) the names of the parties between whom it was concluded;
- (d) the dates of signature, ratification or acceptance, exchange or ratification, accession, and entry into force;
- (e) the duration;
- (f) the language or languages in which it was drawn up;
- (g) the name of the party or specialized agency which registers the instrument and the date of such registration;
- (h) particulars of publication in the treaty series of the United Nations.

2. Such information shall also be included in the Register in regard to the statements registered under article 2 of these regulations.

3. The texts registered shall be marked "*ne varietur*" by the Secretary-General or his representative, and shall remain in the custody of the Secretariat.

Article 9

The Secretary-General, or his representative, shall issue certified extracts from the Register at the request of any Member of the United Nations or any party to the treaty or international agreement concerned. In other cases he may issue such extracts at his discretion.

PART TWO—FILING AND RECORDING

Article 10

The Secretariat shall file and record treaties and international agreements, other than those subject to registration under article 1 of these regulations, if they fall in the following categories:

- (a) Treaties or international agreements entered into by the United Nations or by one or more of the specialized agencies;
- (b) Treaties or international agreements transmitted by a Member of the United Nations which were entered into before the coming into force of the Charter, but which were not included in the treaty series of the League of Nations;
- (c) Treaties or international agreements transmitted by a party not a Member of the United Nations which were entered into before or after the coming into force of the Charter which were not included in the treaty series of the League of Nations, provided, however, that this paragraph shall be applied with full regard to the provisions of the resolution of the General Assembly of 10 February, 1946, set forth in the Annex to these regulations.

Article 11

The provisions of articles 2, 5, and 8 of these regulations shall apply, *mutatis mutandis*, to all treaties and international agreements filed and recorded under article 10 of these regulations.

PART THREE—PUBLICATION

Article 12

1. The Secretariat shall publish as soon as possible in a single series every treaty or international agreement which is registered, or filed and recorded, in the original language or languages, followed by a translation in English and in French. The certified statements referred to in article 2 of these regulations shall be published in the same manner.

2. The Secretariat shall, when publishing a treaty or agreement under paragraph 1 of this article, include the following information: the serial number in order of registration or recording; the date of registration or recording; the name of the party or specialized agency which registered it or transmitted it for filing; and in respect of each party the date on which it has come into force and the method whereby it has come into force.

Article 13

The Secretariat shall publish every month a statement of the treaties and international agreements registered, or filed and recorded, during the preceding month, giving the dates and numbers of registration and recording.

Article 14

The Secretariat shall send to all Members of the United Nations, the series referred to in article 12 and the monthly statement referred to in article 13 of these regulations.

ANNEX

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON 10TH FEBRUARY, 1946,
ON REGISTRATION OF TREATIES AND INTERNATIONAL AGREEMENTS

The Executive Secretary sent a circular letter to the Members of the United Nations on 8th November, 1945, informing them that from the date of the entry into force of the Charter, treaties and international agreements would be received and filed on a provisional basis until the adoption of detailed regulations prescribing the procedure to be followed in the registration and publication of treaties and international agreements under the provisions of Article 102 of the Charter. The Executive Secretary also invited the Governments of Members to transmit to the Secretariat for filing and publication, treaties and international agreements not included in the treaty series of the League of Nations and entered into in recent years before the date of the entry into force of the Charter.

It is desirable, as a matter of practical convenience, that arrangements should be made for the publication of any treaties or international agreements which non-member States may voluntarily transmit and which have not been included in the treaty series of the League of Nations. These arrangements should not, however, extend to treaties or international agreements transmitted by any non-member State such as Spain, the Government of which has been founded with the support of the Axis Powers and does not, in view of its origin, its nature, its record and its close association with the Aggressor States, possess qualifications necessary to justify membership in the United Nations under the provisions of the Charter.

Therefore, the General Assembly instructs the Secretary-General:

1. To submit to the General Assembly proposals for detailed regulations and other measures designed to give effect to the provisions of Article 102 of the Charter.

2. To invite the Governments of Members of the United Nations to transmit to the Secretary-General for filing and publication, treaties and international agreements entered into in recent years, but before the date of entry into force of the Charter, which had not been included in the League of Nations treaty series, and to transmit for registration and publication, treaties and international agreements entered into after the date of entry into force of the Charter;

3. To receive, from the Governments of non-member States, treaties and international agreements entered into both before and after the date of entry into force of the Charter, which have not been included in the League of Nations treaty series and which they may voluntarily transmit for filing and publication; and to dispose of them in accordance with the foregoing provisions, and subject to such detailed regulations and other measures as may hereafter be adopted.

APPENDIX XXIX

OFFICIAL SEAL AND EMBLEM OF THE UNITED NATIONS

Resolution of the Assembly, December 7, 1946

The General Assembly,

1. *Recognizes* that it is desirable to approve a distinctive emblem of the United Nations and to authorize its use for the official seal of the Organization;

Resolves therefore that the design reproduced below shall be the emblem and distinctive sign of the United Nations and shall be used for the official seal of the Organization.

2. *Considers* that it is necessary to protect the name of the Organization and its distinctive emblem and official seal;

Recommends therefore:

- (a) that members of the United Nations should take such legislative or other appropriate measures as are necessary to prevent the use, without authorization by the Secretary-General of the United Nations, and in particular for commercial purposes by means of trade marks or commercial labels, of the emblem, the official seal and the name of the United Nations, and of abbreviations of that name through the use of its initial letters;
- (b) that the prohibition should take effect as soon as practicable but in any event not later than the expiration of two years from the adoption of this resolution by the General Assembly;
- (c) that each Member of the United Nations, pending the putting into effect within its territory of any such prohibition should use its best endeavours to prevent any use, without authorization by the Secretary-General of the United Nations, of the emblem, name, or initials of the United Nations, and in particular for commercial purposes by means of trade marks or commercial labels.

OFFICIAL SEAL AND EMBLEM OF THE UNITED NATIONS



APPENDIX XXX

MEASURES TO ECONOMIZE THE TIME OF THE ASSEMBLY

A. Canadian Letter, September 24, 1946

Ottawa, 24 September, 1946

Sir,

1. I have the honour to request that the following item be included in the Agenda of the Second Part of the First Session of the General Assembly; "Measures to economize the time of the General Assembly".

2. The large number of international conferences which are being held makes it difficult for states to provide adequate representation at each conference. This difficulty is increased if the conferences last for a long time. Moreover, unduly protracted international conferences diminish the prestige of the international organizations which are responsible for calling them.

3. During the present period, when new international organizations are being formed, it is difficult to reduce the number of conferences which must be held. It is therefore all the more important to ensure that the various conferences accomplish their tasks as expeditiously as possible. The General Assembly of the United Nations should set an example to all other conferences by the efficient and expeditious conduct of its business.

4. It is of paramount importance that the time of representatives in the General Assembly be economized to the greatest possible extent. The General Assembly can be successful in carrying out its important tasks only if delegations include Ministers responsible for the formulating and carrying out of policy. The chances of these Ministers being able to be present during the whole period of a session of the General Assembly will be greater if the sessions are not unduly prolonged.

5. The Canadian Delegation will therefore propose under this item of the agenda that the General Assembly, as early as possible in its proceedings, elect an *ad hoc* committee of about fifteen states to consider and make recommendations to the General Assembly on measures it might adopt to economize its time.

6. It is the hope of the Canadian Government that all the members of the General Assembly will be able, by the time this committee is set up, to make specific suggestions to the committee. The following six specific suggestions have occurred to the Canadian Government:—

- (a) Each speaker in the opening debate in plenary session on the Secretary-General's Report might be limited to ten minutes with the right to have his remarks extended in the verbatim record.
- (b) A report of a Main Committee to the General Assembly should not be debated unless one-third of the members of the Committee request a debate.

- (c) The Main Committees should, at their first or second meetings, establish a number of sub-committees of ten to fifteen members to study various questions referred to them by the Committee and to report back to it. In order that these sub-committees may meet simultaneously, each sub-committee should have its own chairman.
- (d) The General Committee, in discussing matters related to the agenda of the General Assembly, should not debate the substance of a question but should confine itself to discussing whether or not it should recommend that an item be included in the agenda of the General Assembly.
- (e) The General Committee should be required to submit its report to the General Assembly on the inclusion of an item in the agenda within, say, forty-eight hours of receiving a request that the item be included in the agenda. (The General Committee's report, being a recommendation, is debatable by the General Assembly but agreement might be reached that the debate be limited to two hours at most.)
- (f) In order to lessen the danger that committees waste their time on procedural debates, a number of improvements in the rules of procedure on the conduct of business might be made. Thus it might be desirable to insert a new rule on the order in which resolutions, as distinct from amendments, should be put to the vote. Changes in the existing rules of procedure might be required to implement some of the suggestions made above. It might also be useful if the Secretariat prepared for the guidance of chairmen of committees and sub-committees a commentary on the rules of procedure governing the conduct of business.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) L. S. ST. LAURENT
Secretary of State for External Affairs

Trygve Lie, Esq.,
Secretary-General of the United Nations,
Lake Success, Long Island, New York.

B. Canadian Statement, December 15, 1946

The Canadian delegation hopes that the adoption of the resolution now before the Assembly will result in the accomplishment of the aim which my Government had in view when it made its original proposals last September in a letter addressed to the Secretary-General. That aim was that there should be introduced at the beginning of the next session of the Assembly opening in September, 1947, reforms in the practices and rules of procedure of the Assembly so that we would not at the next session waste as much time as I think, on occasion, we have during the present session. On the face of it, it might seem that this resolution now before the Assembly is not of great importance. I would submit, however, that

the action which this Assembly will take to-day by adopting this resolution might in a year's time, or two years', be considered as one of the constructive decisions of this first session.

The delegation of Canada was charged, when it first introduced its proposals, with the hidden aim of preventing drawn-out speeches at the General Assembly, limiting freedom of speech and hindering criticism of the anti-democratic character of a number of draft resolutions submitted to the Assembly. The Canadian proposals were labelled as proposals for "limiting freedom of speech and having an anti-democratic character." Anyone who knows anything about my country, or the people of my country, knows that these charges can have no foundation. The delegation of Canada does not wish to restrict freedom of discussion. The basis of democracy in international as in domestic politics is freedom of competition between political ideas, but, in a deliberative body of this character, unrestricted liberty of discussion cannot be attained without running the risk that the whole international deliberative process will be stultified and brought into contempt.

Each member of the Assembly has the right to express its views fully, but no member ought to exercise this right in a way which would destroy the rights of other Members. The rights of one member are limited by the rights of others and by the just requirements of a democratic Assembly. It is, moreover, unrealistic to contend that the Assembly has to choose between unrestricted freedom of discussion and a system of closure. Experience has demonstrated that an international conference which begins with unrestricted freedom of discussion ends by operating under the most rigid rules for limiting the length and number of speeches.

One thing I wish to make perfectly clear is that my Government has never suggested that the sessions of the General Assembly should necessarily be brief. They should, in the opinion of the Canadian government, be as long as is necessary for us to do the work. The sessions of the Assembly, could, however, be shortened by eliminating unnecessary debates on procedure and unnecessary repetition of arguments, by the careful drafting of resolutions and conventions and by recognizing in the election of committee chairmen, the necessity of securing the highest standards of efficiency, competence, and integrity. Unnecessarily protracted sessions will moreover affect the calibre of national delegations. It will become increasingly difficult for the Members of the United Nations to send adequate delegations to sessions of the General Assembly if it is demonstrated that much of the time of representatives is taken up unnecessarily.

The representatives and advisers we all want to see at the sessions of our Assembly are persons whose services are needed at home to help solve pressing domestic problems, and to deal at home with problems of foreign policy. The time of these men is precious. It is not in the general interest that it should be wasted. The problem is not merely one of unnecessary protraction of Assembly meetings. There is the much more important problem of how we can more efficiently use the time at our disposal. This session of the General Assembly has followed, I am afraid, the same pattern as has almost every other international conference, large or small, which has been held during the past few years, in spite of the fact that we have had as our presiding officer here, I am sure, the ablest man that we could possibly have obtained to do the job.

The first five or six weeks of this Assembly were a prolonged debauch of unorganized discussion. During the first three-quarters of this second part of the first session, we accomplished only about one-quarter of our work. That made it necessary for us to try to get through the remaining three-quarters of our work in the quarter of the time which remained to us before the *Queen Elizabeth* sailed.

It has been suggested in the General Committee that it would be sufficient if the Secretariat were to draft proposals for reforms in the practices and rules of procedure of the Assembly and to present these proposals to the next session of the Assembly. The problem, however, of persuading the next session of the Assembly to adopt improvements in its practices and rules, falls into two parts: the drafting of the necessary reforms and the acceptance of those reforms by the Assembly. The chances of the Assembly, next September, accepting the necessary reforms, will be much better if the proposals come not from the Secretariat but from a committee of the members of the Assembly, and that is not intended as a reflection on our very efficient Secretariat.

I am confident that the committee on procedures and organization which we are appointing to-day, will present to the Assembly next September most valuable recommendations for reform. I hope that the Assembly next September will be willing to adopt its recommendations unanimously and without debate, on the opening day of the next session to apply provisionally throughout that second session. The Canadian delegation has set forth at length in its memorandum of November 29, its specific suggestions for reforms in the practices and rules of procedure of the Assembly.

The Canadian delegation hopes that all Members of the United Nations will respond to the invitation contained in the resolution now before us, and will forthwith forward to the Secretary-General their suggestions for economizing the time of the Assembly and for revising the provisional rules of procedure. The streamlining of this Assembly is a question of common concern to all Members of the United Nations. All of us wish to see the General Assembly of the United Nations operate with dignity as well as with despatch.

And now, Mr. President, let me thank you in the name of my delegation for the very efficient and great way in which you have acted as President of this meeting, and as a result have enhanced very considerably the prestige of this Assembly.

C. Resolution of the Assembly, December 15, 1946

MEASURES TO ECONOMIZE THE TIME OF THE GENERAL ASSEMBLY

The General Assembly,

Recognizing that the agenda of future sessions will likely entail a heavy volume of work and that the experience acquired during the first session reveals that decisions could be reached more expeditiously through improvements in the rules of procedure and internal organization;

Taking into consideration the various proposals that have been submitted on measures to economize the time of the General Assembly and of the discussions pertaining thereto;

Invites Members of the General Assembly to forward to the Secretary-General any suggestions they may wish to make regarding measures to economize the time of the General Assembly and proposed changes in the provisional rules of procedure;

Directs the Secretary-General to make a study of measures to economize the time of the General Assembly, and of the provisional rules of procedure, taking into account:

1. The memoranda submitted by the delegation of Canada;
2. Suggestions received from Members pursuant to the above invitation;
3. The views expressed in the Sub-Committee of the General Committee during its consideration of this question;
4. The experience acquired and the precedents established during the first session;

and to prepare a report for circulation three months before the opening of the second session;

Appoints a Committee on Procedures and Organization consisting of fifteen members to be designated by the Governments of

Argentina, Belgium, Canada, China, Cuba, Denmark, France, Greece, Haiti, Peru, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia,

which shall meet one week before the opening of the second regular session for the purpose of considering the report of the Secretary-General and of studying the provisional rules of procedure and internal organization of the General Assembly and to present a report thereon to the General Assembly at the beginning of the second regular session.

APPENDIX XXXI

Table of Votes on Ten Significant Issues

The table gives the votes of each of the Members of the U.N. on ten significant issues which arose during the second part of the First Session of the Assembly. These ten issues are:

1. VOTING PROCEDURE IN THE SECURITY COUNCIL.—General Assembly, December 13, 1946. Resolution adopted by thirty-six to six with nine abstentions. For discussion of resolution see above pp. 41 to pp. 45. Text of resolution is given above, p. 43.
2. SPAIN.—Proposal that the Members of the U.N. should sever diplomatic relations with the Franco Government. Political Committee, December 9, 1946. Proposal defeated by a tie vote of twenty to twenty with ten abstentions. For discussion of proposal see above, pp. 51 to 58 and 209 to 212.
3. INDIA'S COMPLAINT AGAINST SOUTH AFRICA.—Proposal that the question be referred to the International Court of Justice for an advisory opinion. General Assembly, December 8, 1946. Proposal defeated by a vote of twenty-one for, thirty-one against, and two abstentions. For discussion of proposal, see above pp. 59 to 63. Text of the resolution is given above, p. 60.
4. REFUGEES.—Approval of the Constitution of the International Refugee Organization. General Assembly, December 15, 1946. Resolution of approval adopted by thirty to five with eighteen abstentions. For discussion of the resolution, see above pp. 77 to 82.
5. W.F.T.U.—Proposal that the Economic and Social Council should give the W.F.T.U. the right to make written and verbal communications to the Economic and Social Council on all questions in which it is interested. General Assembly, December 15, 1946. Proposal defeated by a vote of fifteen for, twenty-eight against and ten abstentions. For discussion of proposal see above, pp. 97 to 99.
6. W.F.T.U.—Proposal that the Economic and Social Council should give the W.F.T.U. the right to submit to the Council questions for insertion in the provisional agenda of the Council, in accordance with the procedure now applicable to specialized

Country	1	2	3	4	5	6	7	8	9	10
Afghanistan.....	y	a	a	a	n	y	—	y	a	a
Argentina.....	y	—	y	a	y	y	n	y	a	y
Australia.....	y	a	y	a	n	n	n	a	n	n
Belgium.....	y	y	y	y	n	y	n	y	n	a
Bolivia.....	y	y	a	a	a	y	n	y	a	y
Brazil.....	y	a	y	a	n	n	n	a	y	y
Byelorussia.....	n	y	n	n	y	y	y	y	y	n
Canada.....	y	n	y	y	n	n	—	y	y	y
Chile.....	a	y	n	a	y	y	n	y	y	a
China.....	a	a	n	y	a	a	n	y	y	a
Colombia.....	y	n	n	a	a	y	a	y	y	n
Costa Rica.....	—	n	y	a	a	a	n	y	—	y
Cuba.....	y	n	n	y	n	n	n	y	y	y
Czechoslovakia.....	n	y	n	a	y	y	y	y	a	y
Denmark.....	a	a	y	y	y	y	n	y	n	y
Dominion Republic.....	y	n	n	y	a	y	n	—	y	a
Ecuador.....	y	n	y	y	n	n	a	—	n	a
Egypt.....	y	a	n	a	n	n	a	y	y	y
El Salvador.....	y	n	y	—	n	n	n	y	y	y
Ethiopia.....	a	y	n	a	a	a	a	y	y	n
France.....	a	y	n	y	y	y	n	a	n	n
Greece.....	y	a	y	y	a	a	n	a	n	a
Guatemala.....	y	y	n	y	y	y	a	y	a	n
Haiti.....	a	—	n	a	y	y	—	—	—	a
Honduras.....	y	n	n	y	n	n	n	y	y	y
Iceland.....	a	a	n	y	n	y	n	y	n	a
India.....	a	y	n	a	n	y	a	y	y	n
Iran.....	y	—	n	y	a	a	a	y	y	a
Iraq.....	y	n	n	a	n	n	a	y	y	n
Lebanon.....	y	n	n	y	n	n	n	y	y	y
Liberia.....	y	—	n	y	—	—	a	—	—	a
Luxembourg.....	y	y	y	y	n	y	n	y	n	a
Mexico.....	y	y	n	y	y	y	n	y	y	y
Netherlands.....	y	n	y	y	n	n	n	a	n	a
New Zealand.....	y	a	y	y	n	n	n	a	a	y
Nicaragua.....	y	n	y	y	n	n	n	—	y	a
Norway.....	a	y	n	y	y	y	n	—	n	y
Panama.....	—	y	n	y	n	y	n	—	y	y
Paraguay.....	y	n	y	y	n	n	n	y	y	y
Peru.....	y	n	y	y	n	n	n	—	—	a

- agencies. General Assembly, December 15, 1946. Proposal adopted by a vote of twenty-five to twenty-two with six abstentions. For discussion of resolution see above, pp. 97 to 99.
7. TRUSTEESHIP.—Proposal to reject the trusteeship agreements. General Assembly, December 13, 1946. Proposal defeated by a vote of six to thirty-four with eleven abstentions. For discussion of proposal see above, pp. 105 to 109.
 8. SOUTH WEST AFRICA.—Resolution stating that the Assembly was “unable to accede to the incorporation” of South West Africa in the Union of South Africa. General Assembly, December 14, 1946. Resolution adopted by a vote of thirty-seven to nothing with nine abstentions. For discussion of resolution see above, pp. 111 to 113. Text of resolution is given above, p. 252.
 9. NON-SELF-GOVERNING TERRITORIES.—Controversial part of the resolution to establish an *ad hoc* committee to examine information on non-self-governing territories. General Assembly, December 14, 1946. This controversial part was adopted by a vote of twenty-eight to fifteen with seven abstentions. For discussion of resolution, see above, pp. 114 to 117. Text of resolution is given above, pp. 253 to 255.
 10. NON-SELF-GOVERNING TERRITORIES.—Final paragraph of resolution on the calling of conferences of representatives of non-self-governing peoples. General Assembly, December 14, 1946. This paragraph was adopted by a vote of twenty-three to fourteen with seventeen abstentions. For discussion of resolution, see above pp. 116 and 117. Text of resolution is given above, p. 256.

APPENDIX XXXII

Canadian Delegation to the Second Part of the First Session of the General Assembly

Representatives

- The Right Hon. L. S. St. Laurent, P.C., M.P.,
Secretary of State for External Affairs and
Minister of Justice. (Chairman of the Delegation.)
- The Hon. Paul Martin, M.P.,
Secretary of State of Canada.
- Senator the Hon. W. McL. Robertson,
Minister Without Portfolio.
- John Bracken, M.P.,
Leader of the Opposition in the
House of Commons.
- M. J. Coldwell, M.P.,
Parliamentary Leader of the
Co-operative Commonwealth Federation.

Alternate Representatives

- Senator the Hon. J. T. Haig,
Leader of the Opposition in the Senate,
- H. L. Keenleyside,
Canadian Ambassador to Mexico.
- George J. McIlraith, M.P.,
Parliamentary Assistant to the Minister of
Reconstruction and Supply.
- M. W. Mackenzie,
Deputy Minister of Trade and Commerce.
- L. D. Wilgress,
Canadian Ambassador to the U.S.S.R.

Advisers

- G. C. Andrew, Canadian Information Service.
- H. J. Armstrong, Department of Finance.
- Miss H. D. Burwash, Department of External Affairs.
- H. H. Carter, Department of External Affairs.
- E. A. Côté, Department of External Affairs.
- G. E. Cox, Department of External Affairs.
- E. R. Hopkins, Department of External Affairs.
- G. Ignatieff, Department of External Affairs.
- R. M. Macdonnell, Department of External Affairs.
- Escott Reid, Department of External Affairs.

Special Advisers

J. R. Murray, Canadian Embassy, Washington.
 S. Pollock, Department of Finance.
 B. M. Williams, Department of External Affairs.

Secretary-General

E. A. Côté, Department of External Affairs.

Secretaries

G. E. Cox, Department of External Affairs.
 B. M. Williams, Department of External Affairs.

Information Officers

G. C. Andrew, Canadian Information Service.
 T. F. Newton, Canadian Information Service.

ASSIGNMENT TO COMMITTEES

First Committee (Political and Security)

Mr. St. Laurent.
 Mr. Wilgress.
 Mr. Keenleyside.
 Assisted by Mr. Reid.
 Mr. Ignatieff.
 Mr. Cox.

Second Committee (Economic and Financial Questions)

Mr. Martin.
 Mr. Bracken.
 Mr. Mackenzie.
 Assisted by Mr. Macdonnell.
 Miss Burwash.
 Mr. Murray.
 Mr. Pollock.

Third Committee (Social, Humanitarian and Cultural Questions)

Mr. Coldwell.
 Senator Robertson.
 Mr. Martin (refugee questions).
 Mr. Keenleyside.
 Assisted by Miss Burwash.
 Mr. Carter.

Fourth Committee (Trusteeship and Non-self-governing Territories)

Senator Robertson.
 Mr. McIlraith.
 Assisted by Mr. Côté.

Fifth Committee (Administrative and Budgetary Questions)

Mr. St. Laurent.
 Mr. Bracken.
 Mr. McIlraith.
 Mr. Mackenzie.
 Mr. Keenleyside.

Assisted by Mr. Macdonnell.
 Mr. Armstrong.
 Mr. Carter.
 Mr. Pollock.

Sixth Committee (Legal Questions)

Senator Haig.
 Mr. McIlraith.

Assisted by Mr. Hopkins.

Headquarters Committee

Mr. Wilgress.

Assisted by Mr. Macdonnell.
 Mr. Williams.

Sub-Committee on Measures to Economize the Time of the General Assembly

Mr. Reid.

APPENDIX XXXIII

Publications of the Department of External Affairs on the United Nations and on Specialized Agencies

For sale by the King's Printer, Ottawa, in English and in French. Prices post-paid. Remittance should accompany order. May also be ordered through local book-stores.

UNITED NATIONS

REPORT on the United Nations Conference on International Organization, held at San Francisco, April 25-June 26, 1945. Department of External Affairs, Conference Series, 1945, No. 2. (Includes the text of the Charter of the United Nations, the Dumbarton Oaks Proposal and the Statute of the International Court of Justice). Price, 25 cents

Charter of the United Nations, including the Statute of the International Court of Justice, together with the Interim Arrangements establishing the Preparatory Commission of the United Nations. Department of External Affairs. Treaty Series, 1945, No. 7. (The official English and French texts are printed opposite each other). Price, 25 cents

Report on the First Part of the First Session of the General Assembly of the United Nations held in London, January 10-February 14, 1946. Department of External Affairs, Conference Series, 1946, No. 1. (Includes an account of the preparatory work of the Executive Committee and the Preparatory Commission of the United Nations, which held their meetings in London from August 16 to October 27, 1945, and from November 24 to December 23, 1945, respectively). Price, 25 cents

The United Nations, 1946. Report on the Second Part of the First Session of the General Assembly of the United Nations held in New York, October 23-December 15, 1946. Department of External Affairs. Conference Series, 1946, No. 3. Price, 50 cents

FOOD AND AGRICULTURE ORGANIZATION

First Report to the Governments of the United Nations by the Interim Commission on Food and Agriculture. Department of External Affairs. Conference Series, 1945, No. 1. Price, 25 cents

The Constitution of the Food and Agriculture Organization of the United Nations. Department of External Affairs. Treaty Series, 1945, No. 32. Price, 25 cents

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
AND

INTERNATIONAL MONETARY FUND

Final Act of the United Nations Monetary and Financial Conference held at Bretton Woods from July 1 to July 22, 1944, with the International Monetary Fund Agreement and the International Bank for Reconstruction and Development Agreement signed at Washington on December 27, 1945. Department of External Affairs. Treaty Series, 1944, No. 37.

Price, 25 cents

INTERNATIONAL CIVIL AVIATION ORGANIZATION

Final Act of the International Civil Aviation Conference held at Chicago from November 1 to December 7, 1944, including the Interim Agreement on International Aviation, the Convention on International Civil Aviation, the International Air Services Agreement and the International Air Transport Agreement signed at Chicago on December 7, 1944. Department of External Affairs, Treaty Series, 1944, No. 36.

Price, 25 cents

INTERNATIONAL LABOUR ORGANIZATION

Instrument for the Amendment of the Constitution of the International Labour Organization, adopted at Paris, November 5, 1945. Department of External Affairs, Treaty Series, 1946, No. 28.

Price 25 cents

The Constitution of the International Labour Organization as revised at Montreal, October 9, 1946. Department of External Affairs. Treaty Series, 1946, No. 48 (In course of preparation).

Price, 25 cents

INTERNATIONAL REFUGEE ORGANIZATION

Constitution of the International Refugee Organization and Related Documents, including the Agreement on Interim Measures to be taken in respect of Refugees and Displaced Persons, done at Flushing Meadow, December 15, 1946. Department of External Affairs. Treaty Series, 1946, No. 47. (In course of preparation).

Price, 25 cents

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND
CULTURAL ORGANIZATION

Acts of the United Nations Conference for the Establishment of an Educational, Scientific and Cultural Organization, Held in London, November 1-16, 1945, including the Instrument establishing a Preparatory Educational, Scientific and Cultural Commission, and the Constitution of the United Nations Educational, Scientific and Cultural Organization. Department of External Affairs. Treaty Series, 1945, No. 18.

Price, 25 cents

WORLD HEALTH ORGANIZATION

Acts of the International Health Conference held in New York, June 1-July 22, 1946, including the Final Act of the Conference, the Constitution of the World Health Organization, the Arrangement concluded by the Governments represented at the Conference, and the Protocol concerning the Office International d'Hygiène Publique. Department of External Affairs. Treaty Series, 1946, No. 32. (In course of preparation).

Price, 25 cents

WORLD TRADE ORGANIZATION

Proposals for Expansion of World Trade and Employment communicated by the United States Government, together with the text of the Financial Agreement between the United Kingdom and the United States, signed at Washington, December 6, 1945, and related documents. Department of External Affairs. Conference Series, 1945, No. 3.

Price, 25 cents

APPENDIX XXXIV

Selected Publications of the United Nations

For sale in Canada by the Ryerson Press, 299 Queen Street W., Toronto.

Report of the Executive Committee of the Preparatory Commission of the United Nations (London, August 28-October 27, 1945). Chinese, English, French, Russian and Spanish editions. Price \$1.00

Report of the Preparatory Commission of the United Nations (London, November 24-December 22, 1945). Chinese, English, French, Russian and Spanish editions. Price \$1.00

Resolutions adopted by the General Assembly during the first part of its First Session. English-French, Chinese, Russian and Spanish editions. Price 75 cents

Resolutions adopted by the General Assembly during the second part of its First Session. On March 1, 1947, available only in English-French edition. Price 75 cents

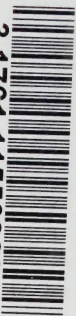
Report of the Secretary-General of the United Nations on the Work of the Organization, June 30, 1946. Chinese, English, French, Russian and Spanish editions. Price 75 cents

Weekly Bulletin of the United Nations (English, French and Spanish editions only). Price 15 cents

Official records of the proceedings of the Security Council, the Economic and Social Council and the Atomic Energy Commission are available in an English-French edition.

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French may be obtained from the King's

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